

other improvements and facilities as may be necessary for the accommodation of visitor use in accordance with the purposes of this subchapter and the need to preserve the integrity of the historical park.

(4) A research plan.

(5) Identification of appropriate cooperative agreements as identified in section 410nnn-4 of this title.

(Pub. L. 102-304, § 7, June 23, 1992, 106 Stat. 257; Pub. L. 111-11, title VII, § 7113(a)(3)(C), Mar. 30, 2009, 123 Stat. 1202.)

AMENDMENTS

2009—Pub. L. 111-11 substituted “historical park” for “historic site” in introductory provisions and in par. (3).

CHANGE OF NAME

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.

§ 410nnn-6. Authorization of appropriations

There is authorized to be appropriated \$6,000,000 for acquisition of lands and interests in lands for purposes of the Palo Alto Battlefield National Historical Park.

(Pub. L. 102-304, § 8, June 23, 1992, 106 Stat. 258; Pub. L. 111-11, title VII, § 7113(a)(3)(A), Mar. 30, 2009, 123 Stat. 1201.)

AMENDMENTS

2009—Pub. L. 111-11 substituted “National Historical Park” for “National Historic Site”.

SUBCHAPTER LX—NATIONAL MILITARY PARKS

§ 411. Military maneuvers

In order to obtain practical benefits of great value to the country from the establishment of national military parks, said parks and their approaches are declared to be national fields for military maneuvers for the Regular Army of the United States and the National Guard or militia of the States. Said parks shall be opened for such purposes only in the discretion of the Secretary of the Army, and under such regulations as he may prescribe.

(May 15, 1896, ch. 182, § 1, 29 Stat. 120; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks transferred to Department of the Interior by Ex. Ord. No. 6166, § 2, June 10, 1933, and Ex. Ord. No. 6228, § 1, July 28, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, June 10, 1933, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

SECRETARY OF THE AIR FORCE

For transfer of certain real property functions, insofar as they pertain to Air Force, to Secretary of the Air Force and Department of the Air Force, from Secretary of the Army and Department of the Army, see Secretary of Defense Transfer Order No. 14 [§2(31)], eff. July 1, 1948.

§ 412. Camps for military instruction; regulations for militia

The Secretary of the Army is authorized, within the limits of appropriations which may from time to time be available for such purpose, to assemble, at his discretion, in camp at such season of the year and for such period as he may designate, at such field of military maneuvers, such portions of the military forces of the United States as he may think best, to receive military instruction there.

The Secretary of the Army is further authorized to make and publish regulations governing the assembling of the National Guard or militia of the several States upon the maneuvering grounds, and he may detail instructors from the Regular Army for such forces during their exercises.

(May 15, 1896, ch. 182, § 2, 29 Stat. 121; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

SECRETARY OF THE AIR FORCE

For transfer of certain functions, personnel and property, insofar as they pertain to Air Force, from Secretary of the Army and Department of the Army to Secretary of the Air Force and Department of the Air Force, see Secretary of Defense Transfer Order Nos. 1, Sept. 26, 1947; 10, Apr. 27, 1948; and 40 [App. B(65)], July 22, 1949.

§ 413. Offenses relating to structures and vegetation

Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, statue, marker, guidepost, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national military parks shall be deemed guilty of a misdemeanor, punishable by a fine of not less than \$10 nor more than \$1,000 for each monument, statue, marker, guidepost, or other structure, tree, shrub, or plant destroyed, defaced, injured, cut, or removed, or by imprisonment for not less than fifteen days and not more than one year, or by both fine and imprisonment.

(Mar. 3, 1897, ch. 372, §§ 1, 5, 29 Stat. 621, 622.)

§ 414. Trespassing for hunting, or shooting

Every person who shall trespass upon any national military parks for the purpose of hunting or shooting, or who shall hunt any kind of game thereon with gun or dog, or shall set trap or net or other device whatsoever thereon for the purpose of hunting or catching game of any kind, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment for not less than five days or more than thirty days, or by both fine and imprisonment. (Mar. 3, 1897, ch. 372, §§ 2, 5, 29 Stat. 621, 622.)

§ 415. Repealed. Pub. L. 91-383, §10(a)(1), as added Pub. L. 94-458, § 2, Oct. 7, 1976, 90 Stat. 1941

Section, act Mar. 3, 1897, ch. 372, §§ 3, 5, 29 Stat. 621, 622, authorized superintendent or any guardian of a national military park to arrest and prosecute anyone engaged or who may have been engaged in committing any misdemeanor named in sections 413 and 414 of this title.

§ 416. Refusal to surrender leased land; recovery

Any person to whom land lying within any national military parks may have been leased, who refuses to give up possession of the same to the United States after the termination of said lease, and after possession has been demanded for the United States by any park commissioner or the park superintendent, or any person retaining possession of land lying within the boundary of said park which he or she may have sold to the United States for park purposes and have received payment therefor, after possession of the same has been demanded for the United States by any park commissioner or the park superintendent, shall be deemed guilty of trespass, and the United States may maintain an action for the recovery of the possession of the premises so withheld in the courts of the United States, according to the statutes or code of practice of the State in which the park may be situated.

(Mar. 3, 1897, ch. 372, §§ 4, 5, 29 Stat. 622.)

§ 417. Omitted

CODIFICATION

Section, act Aug. 18, 1894, ch. 301, § 1, 28 Stat. 405, authorized acceptance of donations of land for road or other purposes, and is considered obsolete by the Judge Advocate General. See J.A.G. 601.1, June 27, 1935.

§ 418. Repealed. Feb. 20, 1931, ch. 235, 46 Stat. 1191

Section, act Mar. 3, 1925, ch. 418, 43 Stat. 1104, was in opinion of Judge Advocate General repealed by act Feb. 20, 1931, providing that no real estate of the Department of the Army should be disposed of without authority of Congress and providing "all existing acts or parts thereof in conflict with this proviso, other than special acts for the sale of stated tracts of land, are hereby repealed." See J.A.G. 611, Dec. 3, 1931.

§ 419. Transferred

CODIFICATION

Section, act Feb. 15, 1901, ch. 372, 31 Stat. 790, which related to rights-of-way for electrical plants, was transferred to section 79 of this title.

§ 420. Rights-of-way through military and other reservations for power and communications facilities

The head of the department having jurisdiction over the lands is authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights-of-way, for a period not exceeding fifty years from the date of the issuance of such grant, over, across, and upon the public lands and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to the extent of two hundred feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right-of-way herein granted for any one or more of the purposes herein named: *Provided*, That such right-of-way shall be allowed within or through any national park, military or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all or any part of such right-of-way may be forfeited and annulled by declaration of the head of the department having jurisdiction over the lands for nonuse for a period of two years or for abandonment.

Any citizen, association, or corporation of the United States to whom there has been issued a permit prior to March 4, 1911, for any of the purposes specified herein under any law existing at that date, may obtain the benefit of this section upon the same terms and conditions as shall be required of citizens, associations, or corporations making application under the provisions of this section subsequent to such date.

(Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

Section, insofar as it relates to right-of-way in national parks and other reservations, is also set out as section 5 of this title; insofar as it relates to rights-of-way in national forests, is set out as section 523 of this title; and, insofar as it relates to rights-of-way on public lands generally, and Indian reservations, is set out as section 961 of Title 43, Public Lands.

AMENDMENTS

1952—Act May 27, 1952, inserted reference to rights-of-way for radio, television, and other forms of communication, and increased from 40 feet to 400 feet the maximum width of rights-of-way for lines and poles.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 421. Vacancies occurring in commissions in charge of parks not to be filled

Vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks. As vacancies occur the Secretary of the Army shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of the Army.

(Aug. 24, 1912, ch. 355, §1, 37 Stat. 442; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of certain national military parks transferred to Department of the Interior by Ex. Ord. No. 6166, §2, June 10, 1933, and Ex. Ord. No. 6228, §1, July 28, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, June 10, 1933, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

SECRETARY OF THE AIR FORCE

For transfer of certain membership functions to Secretary of the Air Force, without prejudice to continued membership of Secretary of the Army, see Secretary of Defense Transfer Order No. 40, July 22, 1949.

§ 422. Moores Creek National Battlefield; establishment

In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the battlefield of Moores Creek, in the State of North Carolina, is declared to be a national battlefield whenever the title to the same shall have been acquired by the United States; that is to say, the area inclosed by the following lines:

Those tracts or parcels of land in the county of Pender, and State of North Carolina, more particularly described as follows:

First tract: Beginning at a stone at the run of Moores Creek, on the east bank of same, about twenty poles (in a straight line) above the new

iron bridge, and running thence parallel to William Walker's line, south sixty-two and one-half degrees west eleven chains to a stake; thence south seven and one-half degrees east three and six-tenths chains to a stone at the south edge of the old stage road; thence along the south edge of said road south forty-six degrees east about five chains and eighty links to a stone; thence south thirty-seven and one-fourth degrees west fourteen chains and twelve links to a stone; thence north sixty-two and one-half degrees west ten chains and seventy-five links to a stone, a corner (4) of an eight-acre tract which the parties of the first part conveyed to Governor D. L. Russell, for the purposes aforesaid, by a deed dated January, 1898, and recorded in Pender County; thence with the lines of said tract north thirty-nine and one-half degrees east thirteen chains and twenty-seven links to a stake, the third corner of the said eight-acre tract; thence north fifty-one degrees west four chains to a stake about twenty feet from the old entrenchment (the second corner of the eight-acre tract); thence with the first line reversed north forty-four degrees west two chains to a sweet gum at the run of Moores Creek (the first corner of the eight-acre tract); thence up and with the run of said creek to the first station, containing twenty acres.

Second tract: Beginning at a sweet gum on the eastern edge of Moores Creek, running thence south forty-four degrees east two poles to a stake; thence south fifty-one degrees east four poles five links to a stake; thence south thirty-nine degrees west thirteen poles twenty-seven links to a stake; thence north fifty-one degrees west nine poles thirty-one links to a stake in the edge of Moores Creek; thence northerly with the creek to the beginning, containing eight acres more or less.

Third tract: Beginning at a cypress on the edge of the run of Moores Creek about twenty feet from the west end of the old entrenchments and running thence in a line parallel to and ten feet distance¹ from the outside or east edge of the old line of entrenchments in all the various courses of the same to a stake ten feet distant on the east side of the north end of said entrenchments; thence a direct line to the run of said Moores Creek; thence down said creek to the beginning, containing two acres, be the same more or less (the intention is to include all lands now known and designated as Moores Creek battlefield and now so recognized as such and owned by the State of North Carolina), together with all the privileges and appurtenances thereunto belonging.

The aforesaid tracts of land containing in the aggregate thirty acres, more or less, and being the property of the State of North Carolina, and the area thus inclosed shall be known as the Moores Creek National Battlefield.

(June 2, 1926, ch. 448, §1, 44 Stat. 684; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

In the first undesignated par., "battlefield" substituted for "military park" and in last undesignated par., "Battlefield" substituted for "Military Park" on

¹ So in original. Probably should be "distant".

authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

§ 422a. Acceptance of lands

The establishment of the Moores Creek National Battlefield shall be carried forward under the control and direction of the Secretary of the Interior, who is authorized to receive from the State of North Carolina a deed of conveyance to the United States of all the lands belonging to the said State, embracing thirty acres, more or less, and described more particularly in section 422 of this title.

(June 2, 1926, ch. 448, §2, 44 Stat. 685; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Administrative functions of Moores Creek National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

§ 422a-1. Acquisition of property

The Secretary of the Interior is authorized, in his discretion, to acquire by donation, purchase, or exchange lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Moores Creek National Battlefield, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That the area acquired pursuant to this section shall not exceed one hundred acres. All such property and interests, upon acquisition by the Federal Government, shall be a part of the Moores Creek National Battlefield and shall be subject to all laws and regulations applicable thereto.

(Sept. 27, 1944, ch. 417, §1, 58 Stat. 746; Pub. L. 93-477, title IV, §402, Oct. 26, 1974, 88 Stat. 1447; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

AMENDMENTS

1974—Pub. L. 93-477 substituted “acquire by donation, purchase, or exchange” for “accept in behalf of the United States donations of”, and “acquired” for “to be accepted”.

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

§ 422a-2. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of section 422a-1 of this title, but not more than \$243,000 shall be appropriated for the acquisition of lands and interests in lands and not more than \$325,000 shall be appropriated for development.

(Sept. 27, 1944, ch. 417, §2, as added Pub. L. 93-477, title I, §101(7), Oct. 26, 1974, 88 Stat. 1445.)

§ 422b. Duties of Secretary of the Interior

The affairs of the Moores Creek National Battlefield shall be subject to the supervision and direction of the Secretary of the Interior, and it shall be the duty of the Interior Department, under the direction of the Secretary of the Interior, to open or repair such roads as may be necessary to the purposes of the battlefield, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all lines of battle of the troops engaged in the Battle of Moores Creek, and other historical points of interest pertaining to the battle within the battlefield or its vicinity; and the Secretary of the Interior in establishing this battlefield is authorized to employ such labor and services and to obtain such supplies and material as may be considered best for the interest of the Government, and the Secretary of the Interior shall make and enforce all needed regulations for the care of the battlefield.

(June 2, 1926, ch. 448, §3, 44 Stat. 685; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” and “battlefield” substituted in text for “Military Park” and “park”, respectively, on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 422a of this title.

§ 422c. Ascertaining and marking of lines of battle

It shall be lawful for any State that had troops engaged in the battle of the Moores Creek National Battlefield, to enter upon the same for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, shall be submitted to and approved by the Secretary of the Interior; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior.

(June 2, 1926, ch. 448, §4, 44 Stat. 686; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136.)

CHANGE OF NAME

“Battlefield” substituted in text for “Military Park” on authority of Pub. L. 96-344, §12, Sept. 8, 1980, 94 Stat. 1136, which redesignated Moores Creek National Military Park as Moores Creek National Battlefield.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 422a of this title.

§ 422d. Monuments, etc., protected

If any person shall, except by permission of the Secretary of the Interior, destroy, deface,

injure, or remove any monument, column, statues, memorial structures, or work of art, which shall be placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other mark for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or remove or fell any timber, battle relic, tree, or tree growing upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Pender, State of North Carolina, shall, for each and every offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as fines of like nature were, on June 2, 1926, by law recoverable in the said county of Pender, State of North Carolina.

(June 2, 1926, ch. 448, § 5, 44 Stat. 686; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 422a of this title.

§ 423. Petersburg National Battlefield; establishment

In order to commemorate the campaign and siege and defense of Petersburg, Virginia, in 1864 and 1865 and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battle fields at Petersburg, in the State of Virginia, are declared a national battlefield whenever the title to the same shall have been acquired by the United States by donation and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Virginia—that is to say, one hundred and eighty-five acres or so much thereof as the Secretary of the Interior may deem necessary in and about the city of Petersburg, State of Virginia.

(July 3, 1926, ch. 746, § 1, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“National battlefield” substituted in text for “national military park” in view of redesignation of Petersburg National Military Park as Petersburg National Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Petersburg National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

TRANSFER OF PORTION OF LANDS TO SECRETARY OF THE ARMY

Act June 5, 1942, ch. 345, 56 Stat. 322, provided: “That the Secretary of the Interior shall transfer to the Secretary of War [Army] jurisdiction over all lands owned by the United States lying south and east of the Hickory Hill Road within the Petersburg National Military Park in the Commonwealth of Virginia. Upon the date of the transfer, the lands shall cease to be a part of the Petersburg National Military Park and the Secretary of War [Army] shall thereafter administer the lands for military purposes.”

§ 423a. Acceptance of donations of lands

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the Petersburg National Battlefield.

(July 3, 1926, ch. 746, § 2, 44 Stat. 822; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” substituted in text for “Petersburg National Military Park” pursuant to Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423a-1. Addition of lands

The Department of the Army is authorized and directed to transfer to the Department of the Interior, without reimbursement, two tracts of land, comprising two hundred six acres, more or less, situated on either side of Siege Road adjacent to Petersburg National Battlefield, Virginia. Upon completion of such transfer, all lands, interest in lands, and other property in Federal ownership and under the administration of the National Park Service as a part of or in conjunction with Petersburg National Battlefield, in and about the city of Petersburg, Virginia, and comprising one thousand five hundred thirty-one acres, more or less, upon publication of the description thereof in the Federal Register by the Secretary of the Interior, shall constitute the Petersburg National Battlefield.

(Sept. 7, 1949, ch. 543, § 1, 63 Stat. 691; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” substituted in text for “Petersburg National Military Park” pursuant to Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 423a-2. Adjustment of boundary

The Secretary of the Interior is further authorized to adjust the boundary of the Petersburg National Battlefield through purchase, ex-

change, or transfer: *Provided*, That in doing so the total area of the battlefield will not be increased and that such changes will become effective upon publication of the description thereof in the Federal Register by the Secretary of the Interior.

(Sept. 7, 1949, ch. 543, §2, 63 Stat. 692; Pub. L. 87-603, §1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” and “battlefield” substituted in text for “Petersburg National Military Park” and “park”, respectively, in view of redesignation of Petersburg National Military Park as Petersburg National Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

§ 423b. Commission; organization

The affairs of the Petersburg National Battlefield shall, subject to the supervision and direction of the Secretary of the Interior, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of the Interior, one of whom shall be designated as chairman and another as secretary of the commission.

(July 3, 1926, ch. 746, §3, 44 Stat. 822; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 87-603, §1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” substituted in text for “Petersburg National Military Park” pursuant to Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423c. Duties of commission

It shall be the duties of the commissioners, under the direction of the Secretary of the Interior, to superintend the opening or repair of such roads as may be necessary to the purposes of the battlefield, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the battlefield or in its vicinity, and the said commission in establishing the battlefield shall have authority, under the direction of the Secretary of the Interior, to employ such labor and service at rates to be fixed by the Secretary of the Interior, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 423, 423a, and 423b to 423h of this title.

(July 3, 1926, ch. 746, §4, 44 Stat. 822; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 87-603, §1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Petersburg National Military Park as Petersburg National Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423d. Acceptance and disposition of gifts

The commission, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Petersburg National Battlefield: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated “Petersburg National Battlefield Fund”, which fund shall be applied to and expended under the direction of the Secretary of the Interior, for carrying out the provisions of sections 423, 423a, and 423b to 423h of this title.

(July 3, 1926, ch. 746, §5, 44 Stat. 822; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 87-603, §1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” substituted in text for “Petersburg National Military Park” pursuant to Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423e. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having had troops engaged at Petersburg, to enter upon the lands and approaches of the Petersburg National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the battlefield: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(July 3, 1926, ch. 746, §6, 44 Stat. 823; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 87-603, §1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Petersburg National Battlefield” and “battlefield” substituted in text for “Petersburg National Military Park” and “park”, respectively, in view of redesignation of Petersburg National Military Park as Petersburg National Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423f. Protection of monuments, etc.

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate,

deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said battlefield, or hunt within the limits of the battlefield, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the battlefield, any person so offending and found guilty thereof, before any United States magistrate judge or court, justice of the peace of the county in which the offense may be committed, or any other court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the said United States magistrate judge or court, justice of the peace or other court, according to the aggravation of the offense, of not less than \$5 nor more than \$500, one-half for the use of the battlefield and the other half to the informant, to be enforced and recovered before such United States magistrate judge or court, justice of the peace or other court, in like manner as debts of like nature were, on July 3, 1926, by law recoverable in the several counties where the offense may be committed.

(July 3, 1926, ch. 746, § 7, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

“Battlefield” substituted for “park” wherever appearing in text, in view of redesignation of Petersburg National Military Park as Petersburg National Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

“United States magistrate judge” substituted for “United States magistrate” wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423g. Rules and regulations

The Secretary of the Interior, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the battlefield, and for the establishment and marking of lines of battle and other historical features of the battlefield.

(July 3, 1926, ch. 746, § 8, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July

28, 1933; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Petersburg National Military Park as Petersburg National Military Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423h. Report of completion; superintendent of battlefield

Upon completion of the acquisition of the land and the work of the commission, the Secretary of the Interior shall render a report thereon to Congress, and thereafter the battlefield shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of the Interior and paid out of the appropriation available for the maintenance of the battlefield.

(July 3, 1926, ch. 746, § 9, 44 Stat. 823; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Petersburg National Military Park as Petersburg National Military Battlefield by Pub. L. 87-603. See section 423h-1 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 423 of this title.

§ 423h-1. Redesignation of park

The Petersburg National Military Park, established under authority of sections 423, 423a, and 423b to 423h of this title, and enlarged pursuant to sections 423a-1 and 423a-2 of this title, is redesignated the Petersburg National Battlefield.

(Pub. L. 87-603, § 1, Aug. 24, 1962, 76 Stat. 403.)

§ 423h-2. Acquisition of lands; publication in Federal Register; administration

The Secretary of the Interior, in furtherance of the purposes of sections 423, 423a, and 423b to 423h of this title referred to in section 423h-1 of this title, may acquire by purchase with donated or appropriated funds, exchange, transfer, or by such other means as he deems to be in the public interest, not to exceed twelve hundred acres of land or interests in land at the site of the Battle of Five Forks for addition to the Petersburg National Battlefield. Lands and interests in lands acquired by the Secretary pursuant to this section shall, upon publication of a description thereof in the Federal Register, become a part of the Petersburg National Battlefield, and thereafter shall be administered by the Secretary of the Interior in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(Pub. L. 87-603, § 2, Aug. 24, 1962, 76 Stat. 403.)

§ 423h-3. Authorization of appropriation

There are authorized to be appropriated such sums, but not more than \$90,000, as are nec-

essary to acquire land pursuant to section 423h-2 of this title.

(Pub. L. 87-603, §3, Aug. 24, 1962, 76 Stat. 403.)

§ 423i. Omitted

CODIFICATION

Section, act July 3, 1926, ch. 746, §10, 44 Stat. 823, appropriated \$15,000 for carrying out provisions of sections 423, 423a, 423b to 423h of this title to be available until expended.

§§ 423j to 423l. Repealed. Pub. L. 106-511, title V, § 507, Nov. 13, 2000, 114 Stat. 2376

Section 423j, act Mar. 2, 1936, ch. 113, §1, 49 Stat. 1155, related to establishment of Richmond National Battlefield Park.

Section 423k, act Mar. 2, 1936, ch. 113, §2, 49 Stat. 1156, related to acceptance of donations of lands and funds and acquisitions of lands for Richmond National Battlefield Park.

Section 423l, act Mar. 2, 1936, ch. 113, §3, 49 Stat. 1156, related to administration, protection, and development of Richmond National Battlefield Park.

See sections 423l-1 to 423l-6 of this title.

§ 423l-1. Short title; definitions

(a) Short title

Sections 423l-1 to 423l-6 of this title may be cited as the “Richmond National Battlefield Park Act of 2000”.

(b) Definitions

In sections 423l-1 to 423l-6 of this title:

(1) Battlefield park

The term “battlefield park” means the Richmond National Battlefield Park.

(2) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 106-511, title V, §501, Nov. 13, 2000, 114 Stat. 2373.)

REFERENCES IN TEXT

Sections 423l-1 to 423l-6 of this title, referred to in text, was in the original “this title”, meaning title V of Pub. L. 106-511, Nov. 13, 2000, 114 Stat. 2373, which enacted sections 423l-1 to 423l-6 of this title and repealed sections 423j to 423l of this title. For complete classification of title V to the Code, see Tables.

§ 423l-2. Findings and purpose

(a) Findings

The Congress finds the following:

(1) In the Act of March 2, 1936 (Chapter 113; 49 Stat. 1155; 16 U.S.C. 423j), Congress authorized the establishment of the Richmond National Battlefield Park, and the boundaries of the battlefield park were established to permit the inclusion of all military battlefield areas related to the battles fought during the Civil War in the vicinity of the City of Richmond, Virginia. The battlefield park originally included the area then known as the Richmond Battlefield State Park.

(2) The total acreage identified in 1936 for consideration for inclusion in the battlefield park consisted of approximately 225,000 acres in and around the City of Richmond. A study undertaken by the congressionally authorized

Civil War Sites Advisory Committee determined that of these 225,000 acres, the historically significant areas relating to the campaigns against and in defense of Richmond encompass approximately 38,000 acres.

(3) In a 1996 general management plan, the National Park Service identified approximately 7,121 acres in and around the City of Richmond that satisfy the National Park Service criteria of significance, integrity, feasibility, and suitability for inclusion in the battlefield park. The National Park Service later identified an additional 186 acres for inclusion in the battlefield park.

(4) There is a national interest in protecting and preserving sites of historical significance associated with the Civil War and the City of Richmond.

(5) The Commonwealth of Virginia and its local units of government have authority to prevent or minimize adverse uses of these historic resources and can play a significant role in the protection of the historic resources related to the campaigns against and in defense of Richmond.

(6) The preservation of the New Market Heights Battlefield in the vicinity of the City of Richmond is an important aspect of American history that can be interpreted to the public. The Battle of New Market Heights represents a premier landmark in black military history as 14 black Union soldiers were awarded the Medal of Honor in recognition of their valor during the battle. According to National Park Service historians, the sacrifices of the United States Colored Troops in this battle helped to ensure the passage of the Thirteenth Amendment to the United States Constitution to abolish slavery.

(b) Purpose

It is the purpose of sections 423l-1 to 423l-6 of this title—

(1) to revise the boundaries for the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service; and

(2) to direct the Secretary of the Interior to work in cooperation with the Commonwealth of Virginia, the City of Richmond, other political subdivisions of the Commonwealth, other public entities, and the private sector in the management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the City of Richmond, Virginia.

(Pub. L. 106-511, title V, §502, Nov. 13, 2000, 114 Stat. 2373.)

REFERENCES IN TEXT

The Act of March 2, 1936, referred to in subsec. (a)(1), is act Mar. 2, 1936, ch. 113, 49 Stat. 1155, which was classified generally to sections 423j to 423l of this title prior to repeal by Pub. L. 106-511, title V, §507, Nov. 13, 2000, 114 Stat. 2376.

Sections 423l-1 to 423l-6 of this title, referred to in subsec. (b), was in the original “this title”, meaning title V of Pub. L. 106-511, Nov. 13, 2000, 114 Stat. 2373, which enacted sections 423l-1 to 423l-6 of this title and repealed sections 423j to 423l of this title. For complete classification of title V to the Code, see Tables.

§ 4231-3. Richmond National Battlefield Park; boundaries

(a) Establishment and purpose

For the purpose of protecting, managing, and interpreting the resources associated with the Civil War battles in and around the City of Richmond, Virginia, there is established the Richmond National Battlefield Park consisting of approximately 7,307 acres of land, as generally depicted on the map entitled "Richmond National Battlefield Park Boundary Revision", numbered 367N.E.F.A.80026A, and dated September 2000. The map shall be on file in the appropriate offices of the National Park Service.

(b) Boundary adjustments

The Secretary may make minor adjustments in the boundaries of the battlefield park consistent with section 4601-9(c) of this title.

(Pub. L. 106-511, title V, §503, Nov. 13, 2000, 114 Stat. 2374.)

§ 4231-4. Land acquisition

(a) Acquisition authority

(1) In general

The Secretary may acquire lands, waters, and interests in lands within the boundaries of the battlefield park from willing landowners by donation, purchase with donated or appropriated funds, or exchange. In acquiring lands and interests in lands under sections 4231-1 to 4231-6 of this title, the Secretary shall acquire the minimum interest necessary to achieve the purposes for which the battlefield is established.

(2) Special rule for private lands

Privately owned lands or interests in lands may be acquired under sections 4231-1 to 4231-6 of this title only with the consent of the owner.

(b) Easements

(1) Outside boundaries

The Secretary may acquire an easement on property outside the boundaries of the battlefield park and around the City of Richmond, with the consent of the owner, if the Secretary determines that the easement is necessary to protect core Civil War resources as identified by the Civil War Sites Advisory Committee. Upon acquisition of the easement, the Secretary shall revise the boundaries of the battlefield park to include the property subject to the easement.

(2) Inside boundaries

To the extent practicable, and if preferred by a willing landowner, the Secretary shall use permanent conservation easements to acquire interests in land in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) Visitor center

The Secretary may acquire the Tredegar Iron Works buildings and associated land in the City of Richmond for use as a visitor center for the battlefield park.

(Pub. L. 106-511, title V, §504, Nov. 13, 2000, 114 Stat. 2374.)

REFERENCES IN TEXT

Sections 4231-1 to 4231-6 of this title, referred to in subsec. (a), was in the original "this title", meaning title V of Pub. L. 106-511, Nov. 13, 2000, 114 Stat. 2373, which enacted sections 4231-1 to 4231-6 of this title and repealed sections 423j to 423l of this title. For complete classification of title V to the Code, see Tables.

§ 4231-5. Park administration

(a) Applicable laws

The Secretary, acting through the Director of the National Park Service, shall administer the battlefield park in accordance with sections 4231-1 to 4231-6 of this title and laws generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

(b) New Market Heights Battlefield

The Secretary shall provide for the establishment of a monument or memorial suitable to honor the 14 Medal of Honor recipients from the United States Colored Troops who fought in the Battle of New Market Heights. The Secretary shall include the Battle of New Market Heights and the role of black Union soldiers in the battle in historical interpretations provided to the public at the battlefield park.

(c) Cooperative agreements

The Secretary may enter into cooperative agreements with the Commonwealth of Virginia, its political subdivisions (including the City of Richmond), private property owners, and other members of the private sector to develop mechanisms to protect and interpret the historical resources within the battlefield park in a manner that would allow for continued private ownership and use where compatible with the purposes for which the battlefield is established.

(d) Technical assistance

The Secretary may provide technical assistance to the Commonwealth of Virginia, its political subdivisions, nonprofit entities, and private property owners for the development of comprehensive plans, land use guidelines, special studies, and other activities that are consistent with the identification, protection, interpretation, and commemoration of historically significant Civil War resources located inside and outside of the boundaries of the battlefield park. The technical assistance does not authorize the Secretary to own or manage any of the resources outside the battlefield park boundaries.

(Pub. L. 106-511, title V, §505, Nov. 13, 2000, 114 Stat. 2375.)

REFERENCES IN TEXT

Sections 4231-1 to 4231-6 of this title, referred to in subsec. (a), was in the original "this title", meaning title V of Pub. L. 106-511, Nov. 13, 2000, 114 Stat. 2373, which enacted sections 4231-1 to 4231-6 of this title and repealed sections 423j to 423l of this title. For complete classification of title V to the Code, see Tables.

§ 4231-6. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 4231-1 to 4231-6 of this title.

(Pub. L. 106-511, title V, §506, Nov. 13, 2000, 114 Stat. 2375.)

REFERENCES IN TEXT

Sections 423l-1 to 423l-6 of this title, referred to in text, was in the original "this title", meaning title V of Pub. L. 106-511, Nov. 13, 2000, 114 Stat. 2373, which enacted sections 423l-1 to 423l-6 of this title and repealed sections 423j to 423l of this title. For complete classification of title V to the Code, see Tables.

§ 423m. Eutaw Springs Battlefield Site; establishment; purpose

For the purpose of commemorating the battle which occurred at Eutaw Springs, in the State of South Carolina, during the Revolutionary War, when title to such lands on the site of the Battle of Eutaw Springs as may be designated by the Secretary of the Interior in the exercise of his discretion as necessary or desirable for battlefield-site purposes, shall be vested in the United States, said area shall be set apart as a battlefield site for the benefit and inspiration of the people and shall be called the Eutaw Springs Battlefield Site.

(June 26, 1936, ch. 840, § 1, 49 Stat. 1975.)

§ 423n. Acceptance of lands and funds; acquisition of lands

The Secretary of the Interior is authorized to accept donations of land, interests in land, and/or buildings, structures, and other property within the boundaries of the said battlefield site as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, either by purchase at prices deemed by him reasonable, or by condemnation under the provisions of section 3113 of title 40, such tracts of land on the said battlefield site as may be necessary for the completion thereof.

(June 26, 1936, ch. 840, § 2, 49 Stat. 1975.)

CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888" 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.

§ 423o. Administration, protection, and development

The administration, protection, and development of the aforesaid battlefield site shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(June 26, 1936, ch. 840, § 3, 49 Stat. 1975.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 424. Chickamauga and Chattanooga National Military Park

For the purpose of preserving and suitably marking for historical and professional military study, the fields of some of the most remarkable maneuvers and most brilliant fighting in the War of the Rebellion, those portions of highways in the States of Georgia and Tennessee in the vicinity of the battlefields of Chickamauga and Chattanooga, respectively, jurisdiction over which has heretofore been ceded to the United States by those States respectively and as to which the United States has heretofore acquired a perfect title, shall be approaches to and parts of the Chickamauga and Chattanooga National Military Park, and each and all of such roads shall remain open as free and public highways, and all rights of way which existed on August 19, 1890, through the grounds of the said Park and its approaches shall be continued. The lands and roads embraced in the area at and near the battlefield of Chickamauga and around Chattanooga, jurisdiction over which has heretofore been ceded to the United States by the State of Georgia and as to which a perfect title has heretofore been secured, together with the roads hereinbefore described, shall be a national military park, to be known as Chickamauga and Chattanooga National Park. The said Chickamauga and Chattanooga National Park and the approaches thereto shall be under the control of the Secretary of the Interior. The Secretary of the Interior is authorized to enter into agreements upon such nominal terms as he may prescribe, with such persons, who were owners of the land on August 19, 1890, as may desire to remain upon it, to occupy and cultivate their then holdings, upon condition that they will preserve the then buildings and roads, and the then outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. It shall be the duty of the Secretary of the Interior to superintend the opening of such roads as may be necessary to the purposes of the park, and the repair of the roads of the same, and to ascertain and definitely mark the lines of battle of all troops engaged in the battles of Chickamauga and Chattanooga, so far as the same shall fall within the lines of the park. It shall be the duty of the Secretary of the Interior to cause to be ascertained and substantially marked the locations of the regular troops within the boundaries of the park, and to erect monuments upon those positions as Congress may provide the necessary appropriations; and the Secretary of the Interior in the same way may ascertain and mark all lines of battle within the boundaries of the park and erect plain and substantial historical tablets at such points in the vicinity of the park and its approaches as he may deem fitting and necessary to clearly designate positions and movements, which, although without the limits of the park, were directly connected with the battles of Chickamauga and Chattanooga. It shall be lawful for the authorities of any State having troops en-

gaged either at Chattanooga or Chickamauga, and for the officers and directors of the Chickamauga Memorial Association, a corporation chartered under the laws of Georgia, to enter upon the lands and approaches of the Chickamauga and Chattanooga National Park for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior, and shall first receive the written approval of the Secretary. The Secretary of the Interior, subject to the approval of the President of the United States, shall have the power to make, and shall make, all needed regulations for the care of the park and for the establishment and marking of the lines of battle and other historical features of the park: *Provided further*, That State memorials shall be placed on brigade lines of battle under the direction of the National Park Service.

No monuments or memorials shall be erected upon any lands of the park, or remain upon any lands which may be purchased for the park, except upon ground actually occupied in the course of the battle by troops of the State which the proposed monuments are intended to commemorate, except upon those sections of the park set apart for memorials to troops which were engaged in the campaigns, but operated outside of the legal limits of the park. Notwithstanding the restrictive provisions of this paragraph, the Secretary of the Interior is authorized in his discretion to permit without cost to the United States the erection of monuments or memorials to commemorate encampments of Spanish War organizations which were encamped in said park during the period of the Spanish-American War.

(Aug. 19, 1890, ch. 806, §§1-11, 26 Stat. 333-336; Mar. 3, 1891, ch. 542, 26 Stat. 978; Feb. 26, 1896, ch. 33, 29 Stat. 21; June 4, 1897, ch. 2, §1, 30 Stat. 43; Apr. 15, 1926, ch. 146, title II, 44 Stat. 289; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1140; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

CODIFICATION

Act Mar. 3, 1891, and act Apr. 15, 1926, provided for a reduced area of the park and provided that title to such reduced area should be procured by the Secretary of War [now Army] as provided and that the Secretary of War [now Army] should proceed with the establishment of the park as rapidly as jurisdiction of the roads and approaches and title to the land might be obtained.

The first sentence of the last paragraph relating to the erection of monuments or memorials was added by act Feb. 26, 1896.

The proviso that State memorials shall be placed on brigade lines of battle under the direction of the Park Commission was added by act June 4, 1897.

Act Feb. 23, 1927 made appropriations for items specified and added provisions relating to monuments or memorials to commemorate encampments of Spanish War organizations.

TRANSFER OF FUNCTIONS

Administrative functions of Chickamauga and Chattanooga National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

§ 424-1. Acquisition of land

(a) In general

The Secretary of the Interior may acquire private land, easements, and buildings within the areas authorized for acquisition for the Chickamauga and Chattanooga National Military Park, by donation, purchase with donated or appropriated funds, or exchange.

(b) Limitation

Land, easements, and buildings described in subsection (a) of this section may be acquired only from willing sellers.

(c) Administration

Land, easements, and buildings acquired by the Secretary under subsection (a) of this section shall be administered by the Secretary as part of the park.

(Aug. 19, 1890, ch. 806, §12, as added Pub. L. 105-277, div. A, §101(e) [title I, §138], Oct. 21, 1998, 112 Stat. 2681-231, 2681-266.)

§ 424a. Acceptance of donations of lands

The Secretary of the Interior is authorized, in his discretion, to accept in behalf of the United States lands, easements, and buildings as may be donated for an addition to the Chickamauga and Chattanooga National Military Park lying within what is known as the "Chattanooga-Lookout Mountain Park" (a corporation, Adolph S. Ochs, president) and/or any lands within one mile of said Chattanooga-Lookout Mountain Park in the States of Tennessee and Georgia.

(May 4, 1934, ch. 218, §1, 48 Stat. 666.)

§ 424a-1. Acceptance of donations of lands and other property on Signal Mountain

The Secretary of the Interior, in his discretion, is authorized to accept, on behalf of the United States, donations of lands, buildings, structures, and other property, or interests therein, on Signal Mountain near Chattanooga, Tennessee, for addition to the Chickamauga-Chattanooga National Military Park, the title to such property or interests to be satisfactory to him. Upon acquisition, such lands shall be a part of the Chickamauga-Chattanooga National Military Park and shall be subject to all laws and regulations applicable thereto.

(Mar. 5, 1942, ch. 148, §1, 56 Stat. 133.)

§ 424a-2. Conveyance of portion of park to Georgia

The Secretary of the Interior, in his discretion, is authorized to convey, without consideration but under such terms and conditions as he may deem advisable, to the State of Georgia all of lot 78 and approximately one hundred and fifty acres of lot 114, Eleventh District, fourth section, of Dade County, Georgia, now a part of the Chickamauga-Chattanooga National Military Park.

(Mar. 5, 1942, ch. 148, §2, 56 Stat. 133.)

§ 424a-3. Addition of surplus Government lands; publication of notice; effective date

Effective upon publication of notice, as hereinafter provided, there shall be added to the Chickamauga and Chattanooga National Military Park, a strip of land, comprising not more than one hundred acres, lying generally north of the present south line of Fort Oglethorpe and westward from the southeast corner thereof. The exact boundaries of the area added to the park shall be agreed upon by the Administrator, General Services Administration, and the Director of the National Park Service.

When the boundaries of the aforesaid area have been agreed upon, the General Services Administration shall furnish to the National Park Service a legal description of the lands to be added to the park, together with a map showing the boundaries and the acreage of the area.

Upon the receipt by the National Park Service of such legal description and map of the area, public notice that such lands are to become a part of the Chickamauga and Chattanooga National Military Park, effective on the date of publication of such notice, shall be given in the Federal Register.

(June 24, 1948, ch. 630, 62 Stat. 646; June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Act June 30, 1949, transferred functions, property and personnel of War Assets Administration to General Services Administration and functions of War Assets Administrator transferred to Administrator of General Services.

§ 424a-4. Repealed. Pub. L. 108-7, div. F, title I, § 160(e), Feb. 20, 2003, 117 Stat. 249

Section, act Aug. 3, 1950, ch. 532, §§ 1, 2, 64 Stat. 405, related to acquisition of land in the Moccasin Bend of the Tennessee River as an addition to Chickamauga and Chattanooga National Military Park.

§ 424b. Application of laws to donated lands

All laws affecting the Chickamauga and Chattanooga National Military Park shall be extended and apply to any addition or additions which may be added to said park under the authority of this section and section 424a of this title.

(May 4, 1934, ch. 218, § 2, 48 Stat. 666.)

§ 424c. Moccasin Bend National Archeological District

(a) Short title

This section may be cited as the “Moccasin Bend National Archeological District Act”.

(b) Definitions

As used in this section:

(1) Secretary

The term “Secretary” means the Secretary of the Interior.

(2) Archeological district

The term “archeological district” means the Moccasin Bend National Archeological District.

(3) State

The term “State” means the State of Tennessee.

(4) Map

The term “Map” means the map entitled, “Boundary Map Moccasin Bend National Archeological District”, numbered 301/80098, and dated September 2002.

(c) Establishment

(1) In general

In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District.

(2) Boundaries

The archeological district shall consist of approximately 780 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(3) Acquisition of land and interests in land

(A) In general

The Secretary may acquire by donation, purchase from willing sellers using donated or appropriated funds, or exchange, lands and interests in lands within the exterior boundary of the archeological district. The Secretary may acquire the State, county and city-owned land and interests in land for inclusion in the archeological district only by donation.

(B) Easement outside boundary

To allow access between areas of the archeological district that on February 20, 2003, are noncontiguous, the Secretary may acquire by donation or purchase from willing owners using donated or appropriated funds, or exchange, easements connecting the areas generally depicted on the Map.

(d) Administration

(1) In general

The archeological district shall be administered by the Secretary in accordance with this section, with laws applicable to Chickamauga and Chattanooga National Military Park, and with the laws generally applicable to units of the National Park System.

(2) Cooperative agreement

The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the archeological district.

(3) Visitor interpretive center

For purposes of interpreting the historical themes and cultural resources of the archeological district, the Secretary may establish and administer a visitor center in the archeological district.

(4) General management plan

Not later than 3 years after funds are made available under this section, the Secretary shall develop a general management plan for the archeological district. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use, and facility development within the archeological district consistent with the purposes of this section, while ensuring continued access by private landowners to their property.

(Pub. L. 108-7, div. F, title I, §160, Feb. 20, 2003, 117 Stat. 247.)

CODIFICATION

Section is comprised of section 160 of div. F of Pub. L. 108-7. Subsec. (e) of section 160 of div. F of Pub. L. 108-7 repealed section 424a-4 of this title.

§ 425. Fredericksburg and Spotsylvania County Battle Fields Memorial; establishment

In order to commemorate the Civil War battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, all located at or near Fredericksburg, Virginia, and to mark and preserve for historical purposes the breastworks, earthworks, gun emplacements, walls, or other defenses or shelters used by the armies in said battles, so far as the marking and preservation of the same are practicable, the land herein authorized to be acquired, or so much thereof as may be taken, and the highways and approaches herein authorized to be constructed, are declared to be a national military park to be known as the Fredericksburg and Spotsylvania County Battle Fields Memorial whenever the title to the same shall have been acquired by the United States, the said land so to be acquired being the land necessary for a park of the plan indicated on the index map sheet filed with the report of the Battle Field Commission appointed pursuant to an Act entitled "An Act to provide for the inspection of the battle fields in and around Fredericksburg and Spotsylvania Court House, Virginia," approved on the 7th day of June 1924, said index map sheet being referred to in said report, and particularly in the "Combined Plan—Antietam system," described in said report, the first of the plans mentioned in said report under the heading "Combined Plan—Antietam system" being the plan which is adopted, the said land herein authorized to be acquired being such land as the Secretary of the Interior may deem necessary to establish a park on the combined plan, Antietam system, above referred to, the particular boundaries of such land to be fixed by surveys made previous to the attempt to acquire the same, and authority is given to the Secretary of the Interior to acquire for the purposes of sections 425 to 425j of this title the land above mentioned, or so much thereof as he may deem necessary, together

with all such existing breastworks, earthworks, gun emplacements, walls, defenses, shelters, or other historical points as the Secretary of the Interior may deem necessary, whether shown on said index map sheet or not, and together also with such additional land as the Secretary of the Interior may deem necessary for monuments, markers, tablets, roads, highways, paths, approaches, and to carry out the general purposes of said sections. As title is acquired to parts of the land herein authorized to be acquired, the Secretary of the Interior may proceed with the establishment of the park upon such portions so acquired, and the remaining portions of the lands desired shall be respectively brought within said park as titles to said portions are severally acquired.

(Feb. 14, 1927, ch. 127, §1, 44 Stat. 1091; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

REFERENCES IN TEXT

Act June 7, 1924, ch. 339, 43 Stat. 646, referred to in text, was temporary and was not classified to the Code.

TRANSFER OF FUNCTIONS

Administrative functions of Fredericksburg and Spotsylvania County Battle Fields Memorial transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

§ 425a. Acquisition of lands

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of section 3113 of title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, authorized to be acquired in section 425 of this title, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the Eastern District of Virginia: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which in the opinion of the commission, referred to in section 425c of this title, and the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept on behalf of the United States, donations of lands, interests therein or rights pertaining thereto required for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *And provided further*, That no public money shall be expended for title to any lands until a written opinion of the Attorney General shall be had in favor of the validity of title thereto.

(Feb. 14, 1927, ch. 127, §2, 44 Stat. 1092; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888, entitled 'An Act to authorize con-

demnation of lands for sites for public buildings, and for other purposes' (Twenty-fifth Statutes at Large, page 357)' 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.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425b. Leasing lands for memorial

The Secretary of the Interior is authorized to enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the said Fredericksburg and Spotsylvania County Battle Fields Memorial, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance if in the judgment of the Secretary of the Interior it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority: *Provided further*, That if such agreements to lease cover any lands the title to which shall have been acquired by the United States, the proceeds from such agreements shall be applied by the Secretary of the Interior toward the maintenance of the park.

(Feb. 14, 1927, ch. 127, §3, 44 Stat. 1092; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425c. Commission; organization

The affairs of the said Fredericksburg and Spotsylvania County Battle Fields Memorial shall, subject to the supervision and direction of the Secretary of the Interior, be in charge of three commissioners, consisting of Army officers, civilians, or both, to be appointed by the Secretary of the Interior, one of whom shall be designated as chairman and another as secretary of the commission.

(Feb. 14, 1927, ch. 127, §4, 44 Stat. 1093; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425d. Duties of commission

It shall be the duty of the commissioners, under the direction of the Secretary of the Interior, to survey, locate, and preserve the lines of the opposing armies in said battles, to open, construct, and repair such roads, highways, paths, and other approaches as may be necessary to make the historical points accessible to the public and to students of said battles and for the purposes of the park, to ascertain and mark with historical monuments, markers, tablets, or otherwise, as the Secretary of the Interior may determine, all breastworks, earthworks, gun emplacements, walls, or other defenses or shelters, lines of battle, location of troops, buildings, and other historical points of interest within the park or in its vicinity, and to establish and construct such observation towers as the Secretary of the Interior may deem necessary for said park, and the said commission in establishing the park shall have authority, under the direction of the Secretary of the Interior to employ such labor and services at rates to be fixed by the Secretary of the Interior, and to obtain such supplies and materials as may be necessary to carry out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, §5, 44 Stat. 1093; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425e. Acceptance and distribution of gifts

The commission, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the said Fredericksburg and Spotsylvania County Battle Fields Memorial: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated "Fredericksburg and Spotsylvania County Battle Fields Memorial fund", which fund shall be applied to and expended under the direction of the Secretary of the Interior for carrying out the provisions of sections 425 to 425j of this title.

(Feb. 14, 1927, ch. 127, §6, 44 Stat. 1093; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425f. Ascertain and marking lines of battle

It shall be lawful for the authorities of any State having had troops engaged in said battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, or in any of said battles, to enter upon the lands and approaches of the Fredericksburg and Spotsylvania County Battle Fields Memorial for the purposes of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such

lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior, and shall first receive written approval of the Secretary, which approval shall be based upon formal written reports to be made to him in each case by the commissioners of the park: *Provided*, That no discrimination shall be made against any State as to the manner of designing lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(Feb. 14, 1927, ch. 127, §7, 44 Stat. 1093; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425g. Protection of monuments, etc.

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were, on February 14, 1927, by law recoverable in the several counties where the offense may be committed.

(Feb. 14, 1927, ch. 127, §8, 44 Stat. 1094; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425h. Rules and regulations

The Secretary of the Interior, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

(Feb. 14, 1927, ch. 127, §9, 44 Stat. 1094; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425i. Report of completion of acquisition of land and work of commission; superintendent of park

Upon completion of the acquisition of the land and the work of the commission, the Secretary of the Interior shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of the Interior and paid out of the appropriation available for the maintenance of the park.

(Feb. 14, 1927, ch. 127, §10, 44 Stat. 1094; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425j. Authorization of appropriation

To enable the Secretary of the Interior to begin to carry out the provisions of sections 425 to 425j of this title, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$50,000 is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under said sections shall be annually reported by the Secretary of the Interior to Congress.

(Feb. 14, 1927, ch. 127, §11, 44 Stat. 1094; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425k. Revision of park boundaries

(a) Boundary revision

In furtherance of the purposes of sections 425 to 425j of this title, the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in sections 425k to 425o of this title referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotsylvania National Military Park", numbered 326-40075D/89, 326-40074E/89, 326-40069B/89, 326-40070D/89, 326-40071C/89, 326-40076A/89, and 326-40073D/89, and dated June 1989, and the map entitled "Fred-

ericksburg and Spotsylvania National Military Park,” numbered 326-40072E/89/A and dated September 1990. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) Excluded lands

Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) of this section as “Existing Park Boundary” but outside of the boundary depicted as “Proposed Park Boundary” are hereby excluded from the park, in accordance with the provisions of section 425I(b) of this title. The Secretary of the Interior (hereinafter referred to as the “Secretary”) may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the park by this section by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide.

(Pub. L. 101-214, §2, Dec. 11, 1989, 103 Stat. 1849; Pub. L. 102-541, §2(a), Oct. 27, 1992, 106 Stat. 3565; Pub. L. 106-150, §1(c), Dec. 9, 1999, 113 Stat. 1730.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-150 substituted “Spotsylvania National” for “Spotslyvania National”.

1992—Subsec. (a). Pub. L. 102-541 struck out “326-40072E/89,” after “326-40071C/89,” and substituted “1989, and the map entitled ‘Fredericksburg and Spotsylvania National Military Park,’ numbered 326-40072E/89/A and dated September, 1990.” for “1989.”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(a)(2) of Pub. L. 102-541 provided in part that amendment of this section by Pub. L. 102-541 was not to be effective until the lands included within the proposed new boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to Pub. L. 102-541 had been donated to the Secretary of the Interior, prior to repeal by Pub. L. 106-150, §1(a), Dec. 9, 1999, 113 Stat. 1730.

SHORT TITLE

Section 1 of Pub. L. 101-214 provided that: “This Act [enacting this section and sections 425I to 425O of this title] may be cited as the ‘Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989.’”

CONGRESSIONAL FINDINGS RELATING TO PARK EXPANSION

Section 1 of Pub. L. 102-541 provided that: “Congress finds that the land area near Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia, located south and west of the intersection of the Orange Plank Road and Brock Road in Spotsylvania County was strategically significant ground associated with the battle of the Civil War known as the Battle of the Wilderness, and that the tract of land adjacent to such area known as ‘Longstreet’s Flank Attack’ was also strategically significant to that battle.”

ACQUISITION OF CERTAIN LANDS BY DONATION ONLY

Section 2(b) of Pub. L. 102-541 provided that lands included within the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to that section, amending this section and enacting provisions formerly set out as a note above, could be acquired only by donation, prior to repeal by Pub. L. 106-150, §1(b)(2), Dec. 9, 1999, 113 Stat. 1730.

§ 425I. Acquisitions and conveyances

(a) Acquisition

(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(2) The lands designated “P04-04” on the map referred to in section 425k(a) of this title numbered 326-40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated “P04-01”, “P04-02”, and “P04-03” on such map may be acquired only by donation, purchase from willing sellers, or exchange.

(b) Conveyance of lands excluded from park

(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 425k(b) of this title for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after December 11, 1989, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(c) Alternative access

In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in sections 425k to 425o of this title shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) Conservation easements

The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and

historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.

(e) Other provisions

Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 425m of this title) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the park.

(Pub. L. 101-214, § 3, Dec. 11, 1989, 103 Stat. 1849; Pub. L. 106-150, § 1(b)(1), Dec. 9, 1999, 113 Stat. 1730.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-150 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the Secretary” for “The Secretary”, and added par. (2).

§ 425m. Retained rights

(a) Retention of use and occupancy

With the exception of property which the Secretary determines is necessary for development or public use, the owner or owners of improved property acquired pursuant to sections 425k to 425o of this title may retain a right of use and occupancy of such improved property for non-commercial residential purposes for a definite term of not more than twenty-five years, or for a term ending at the death of the owner or the owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed twenty-five years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, 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 of the right retained by the owner.

(b) Terms and conditions

Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) “Improved property” defined

As used in this section, the term “improved property” means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

(Pub. L. 101-214, § 4, Dec. 11, 1989, 103 Stat. 1850.)

§ 425n. Interpretation

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

(Pub. L. 101-214, § 5, Dec. 11, 1989, 103 Stat. 1851.)

§ 425o. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 425k to 425o of this title.

(Pub. L. 101-214, § 6, Dec. 11, 1989, 103 Stat. 1851.)

§ 426. Stones River National Battlefield; establishment; appointment of commission

A commission is created, to be composed of the following members, who shall be appointed by the Secretary of the Interior:

- (1) A commissioned officer of the Corps of Engineers, United States Army;
- (2) A veteran of the Civil War who served honorably in the military forces of the United States; and
- (3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

(Mar. 3, 1927, ch. 374, § 1, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-443, §§ 2, 3, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

Stones River National Military Park redesignated Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Stones River National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees. Administrative functions of Stones River National Battlefield assigned to Department of the Interior by section 3 of Pub. L. 86-443, set out as section 426m of this title.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, § 2, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

§ 426a. Qualifications of members of commission

In appointing the members of the commission created by section 426 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Stones River, Tennessee, and the historical events associated therewith.

(Mar. 3, 1927, ch. 374, § 2, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 3, 1927, ch. 374, §3, 44 Stat. 1399; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

CODIFICATION

A provision of act Mar. 3, 1927, authorizing the submission of a report by the commission to the Secretary of War not later than Dec. 1, 1927, and describing the contents of such report was omitted as executed.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties imposed upon them by sections 426 to 426j of this title.

(Mar. 3, 1927, ch. 374, §4, 44 Stat. 1400; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission, the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the Hazen Monument: *Provided*, That the en-

tire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national military battlefield, shall not exceed the sum of \$100,000.

(Mar. 3, 1927, ch. 374, §5, 44 Stat. 1400; Apr. 15, 1930, ch. 167, 46 Stat. 167; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

AMENDMENTS

1930—Act Apr. 15, 1930, inserted “military” between “national” and “park”, authorized construction of roads and walks, planting of trees and shrubs, restoration and care of grounds, including the Hazen Monument, and inserted “and the establishment of the national military park” in proviso.

CHANGE OF NAME

“National battlefield” and “battlefield” substituted in text for “national military park” and “park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426*l* of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 426 to 426j of this title, together with the area already inclosed within the national cemetery at the battlefield of Stones River and the Government reservation in said battlefield upon which is erected a large monument to the memory of the officers and soldiers of General Hazen’s brigade who fell on the spot, are declared to be a national battlefield, to be known as the Stones River National Battlefield.

(Mar. 3, 1927, ch. 374, §6, 44 Stat. 1400; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Stones River National Battlefield” and “national battlefield” substituted in text for “Stones River National Park” and “national park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426*l* of this title.

§ 426f. Control of battlefield; regulations

The said Stones River National Battlefield shall be under the control of the Secretary of the Interior, and he is authorized to make all needed regulations for the care of the battlefield. The superintendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Battlefield, under the direction of the Secretary of the Interior.

(Mar. 3, 1927, ch. 374, §7, 44 Stat. 1400; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Stones River National Battlefield” and “battlefield” substituted in text for “Stones River National Park” and “park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426g. Occupation of lands by former owners

The Secretary of the Interior is authorized to enter into agreements, upon such nominal terms as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(Mar. 3, 1927, ch. 374, §8, 44 Stat. 1400; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426h. Ascertaining and marking lines of battle

It shall be lawful for the authorities of any State having troops engaged in the battle of Stones River to enter upon the lands and approaches of the Stones River National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior, and shall first receive the written approval of the Secretary.

(Mar. 3, 1927, ch. 374, §9, 44 Stat. 1401; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Stones River National Battlefield” substituted in text for “Stones River National Park” in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426i. Protection of monuments, etc.

If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall

willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof; or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such battlefield, except by permission of the Secretary of the Interior, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the battlefield, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall for each and every such offense be fined not less than \$5 nor more than \$100.

(Mar. 3, 1927, ch. 374, §10, 44 Stat. 1401; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.

§ 426j. Authorization of appropriation; fixing of boundaries as condition to purchase of lands

The sum of \$100,000, or so much thereof as may be necessary, is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended for the purposes of sections 426 to 426j of this title: *Provided*, That no obligation for the purchase of lands shall be incurred until the commission has fixed the boundaries of said battlefield.

(Mar. 3, 1927, ch. 374, §11, 44 Stat. 1401; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

§ 426k. Acquisition of additional lands

In furtherance of the purposes of sections 426 to 426j of this title, authorizing establishment of the Stones River National Battlefield, the Secretary of the Interior is authorized to acquire by such means as he may deem to be in the public interest, for inclusion in the Stones River National Battlefield, such additional lands and interests in lands, not to exceed seven acres, as in the discretion of the Secretary are necessary for the preservation and interpretation of the battlefield of Stones River, Tennessee.

(Pub. L. 86-443, §§1, 2, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

“Stones River National Battlefield” substituted in text for “Stones River National Park” in view of red-

ignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

§ 426l. Redesignation; availability of appropriations

Stones River National Military Park is redesignated as the Stones River National Battlefield, and any remaining balance of funds appropriated for the purpose of the Stones River National Military Park shall be available for the purpose of Stones River National Battlefield.

(Pub. L. 86-443, § 2, Apr. 22, 1960, 74 Stat. 82.)

§ 426m. Administration, protection, and development

The administration, protection and development of the Stones River National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(Pub. L. 86-443, § 3, Apr. 22, 1960, 74 Stat. 82.)

§ 426n. Boundary revision of Stones River National Battlefield

(a) Expansion of Stones River National Battlefield

In furtherance of sections 426 to 426j of this title, the boundary of Stones River National Battlefield (hereinafter referred to as “battlefield”) is hereby revised to include the lands generally depicted on the map entitled “Boundary Map, Stones River National Battlefield” numbered 327/80,004B, and dated November 1991. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and in the office of the Superintendent of the Stones River National Battlefield.

(b) Acquisition of lands

(1) The Secretary of the Interior (hereinafter referred to as “Secretary”) is hereby authorized to acquire lands or interests therein within the boundary of the battlefield by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests in lands owned by the State of Tennessee or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to sections 426n to 426p of this title shall become part of the battlefield, subject to all the laws and regulations applicable thereto.

(2)(A) Before acquiring any lands under sections 426n to 426p of this title where the surface of such lands has been substantially disturbed or which are believed by the Secretary to contain hazardous substances, the Secretary shall prepare a report on the potential hazardous substances associated with such lands and the estimated cost of restoring such lands, together with a plan of the remedial measures necessary to allow acquisition of such lands to proceed in a timely manner, consistent with the requirements of subparagraph (B). The Secretary shall submit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(B) The Secretary shall not acquire any lands under sections 426n to 426p of this title if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(3)(A) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed 25 years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(B) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of sections 426n to 426p of this title. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(C) This paragraph applies only to owners who have reached the age of majority.

(D) As used in this paragraph, the term “improved property” means a detached, year-round noncommercial residential dwelling, the construction of which was begun before December 11, 1991, together with so much of the land on which the dwelling is situated, such 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. 100-205, § 1, Dec. 23, 1987, 101 Stat. 1433; Pub. L. 102-225, § 1(1), (2), Dec. 11, 1991, 105 Stat. 1682; Pub. L. 103-437, § 6(d)(15), Nov. 2, 1994, 108 Stat. 4584.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in subsec. (b)(2)(B), probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

AMENDMENTS

1994—Subsec. (b)(2)(A). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1991—Subsec. (a). Pub. L. 102-225, §1(1), substituted “numbered 327/80,004B, and dated November 1991” for “numbered 327/80,001, and dated March 1987”.

Subsec. (b). Pub. L. 102-225, §1(2), designated existing provisions as par. (1) and added pars. (2) and (3).

§ 426o. Agreement with Murfreesboro, Tennessee, respecting battlefield

The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, containing each of the following provisions—

(1) If the city agrees to acquire sufficient interest in land to construct a trail linking the battlefield with Fortress Rosecrans, to construct such trail, and to operate and maintain the trail in accordance with standards approved by the Secretary, the Secretary shall (A) transfer to the city the funds available to the Secretary for the acquisition of such lands and for the construction of the trail, and (B) provide technical assistance to the city and to Rutherford County for the purpose of development and planning of the trail.

(2) The Secretary shall agree to accept the transfer by donation from the city of the remnants of Fortress Rosecrans at Old Fort Park, and following such transfer, to preserve and interpret the fortress as part of the battlefield.

(3) In administering the Fortress Rosecrans, the Secretary is authorized to enter a cooperative agreement with the city of Murfreesboro, Tennessee, for the rendering, on a nonreimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(Pub. L. 100-205, §2, Dec. 23, 1987, 101 Stat. 1433; Pub. L. 102-225, §1(3), Dec. 11, 1991, 105 Stat. 1683.)

AMENDMENTS

1991—Pub. L. 102-225 amended section generally. Prior to amendment, section read as follows: “The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, under which (1) the Secretary shall acquire sufficient interest in land and shall construct thereon a trail linking the battlefield with Fortress Rosecrans, (2) the city shall operate and maintain the trail in accordance with standards approved by the Secretary, and (3) the Secretary shall preserve the existing remnants of Fortress Rosecrans and the city shall operate and maintain the fortress.”

§ 426o-1. Planning

(a) Preparation of plan for Redoubt Brannan

The Secretary shall, on or before February 1, 1992, prepare a plan for the preservation and interpretation of Redoubt Brannan.

(b) Update of General Management Plan

The Secretary shall, on or before March 31, 1993, update the General Management Plan for the Stones River National Battlefield.

(c) Technical assistance

The Secretary is authorized to provide technical assistance to the city and to Rutherford

County in the development of zoning ordinances and other land use controls that would help preserve historically significant areas adjacent to the battlefield.

(d) Minor boundary revisions

If the planning activities conducted under subsections (a) and (b) of this section show a need for minor revisions of the boundaries indicated on the map referred to in section 426n of this title, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so and providing an opportunity for public comment, make such minor revisions by publication of a revised boundary map or other description in the Federal Register.

(Pub. L. 100-205, §3, as added Pub. L. 102-225, §1(4), Dec. 11, 1991, 105 Stat. 1683; amended Pub. L. 103-437, §6(d)(15), Nov. 2, 1994, 108 Stat. 4584.)

PRIOR PROVISIONS

A prior section 3 of Pub. L. 100-205 was renumbered section 4 and is classified to section 426p of this title.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 426p. Authorization of appropriations

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 426n to 426p of this title.

(Pub. L. 100-205, §4, formerly §3, Dec. 23, 1987, 101 Stat. 1433; renumbered §4, Pub. L. 102-225, §1(4), Dec. 11, 1991, 105 Stat. 1683.)

§ 427. Site of battle with Sioux Indians; purchase; erection of monument

The Secretary of the Interior is authorized and directed to acquire, by condemnation or otherwise, such land as may be deemed appropriate, not exceeding one hundred and sixty acres, on the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet.

(Apr. 14, 1926, ch. 138, §1, 44 Stat. 251.)

§ 427a. Omitted

CODIFICATION

Section, act Apr. 14, 1926, ch. 138, §2, 44 Stat. 251, made appropriation of \$2,500 for carrying out of provisions of section 427 of this title.

§ 428. Fort Donelson National Battlefield; establishment; appointment of commission

A commission is created, to be composed of the following members, who shall be appointed by the Secretary of the Interior:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

(Mar. 26, 1928, ch. 248, §1, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Military Park” redesignated “Fort Donelson National Battlefield” by Pub. L. 86-738, §4. See section 428n of this title.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-367, §1, Oct. 25, 2004, 118 Stat. 1743, provided that: “This Act [enacting sections 428p to 428p-2 of this title and amending section 428k of this title] may be cited as the ‘Fort Donelson National Battlefield Expansion Act of 2004.’”

TRANSFER OF FUNCTIONS

Administrative functions of Fort Donelson National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees. Administrative functions of Fort Donelson National Battlefield assigned to Department of the Interior by section 5 of Pub. L. 86-738, set out as section 428o of this title.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

§ 428a. Qualifications of members of commission

In appointing the members of the commission created by section 428 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Fort Donelson, Tennessee, and the historical events associated therewith.

(Mar. 26, 1928, ch. 248, §2, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Fort Donelson, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the Battle of Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 26, 1928, ch. 248, §3, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department

to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

(Mar. 26, 1928, ch. 248, §4, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 26, 1928, which is classified to sections 428 to 428d and 428e to 428i of this title. For complete classification of this Act to the Code, see Tables.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the restoration and maintenance of those portions of old Fort Donelson, and of the Confederate water batteries that are located on the present engineer reservation: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national battlefield shall not exceed the sum of \$50,000.

(Mar. 26, 1928, ch. 248, §5, 45 Stat. 368; Feb. 18, 1930, ch. 49, 46 Stat. 69; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §§4, 5, Sept. 8, 1960, 74 Stat. 876.)

AMENDMENTS

1930—Act Feb. 18, 1930, inserted “military” between “national” and “park”, authorized construction of roads and walks, planting of trees and shrubs, restoration and care of grounds, including portions of Fort Donelson and Confederate water batteries, and inserted “and the establishment of the national military park” in proviso.

CHANGE OF NAME

“National battlefield” and “battlefield” substituted in text for “national military park” and “park”, respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428d-1. Acquisition of additional lands

The following-described tracts or parcels of land, lying and being within the seventh civil district of Stewart County, Tennessee, are transferred from the jurisdiction of the Secretary of War to the jurisdiction of the Secretary of the Interior as additions to the Fort Donelson National Battlefield, and shall after August 30, 1937, be subject to all laws and rules and regulations applicable to said battlefield:

Tract numbered 1, a right-of-way, fifty feet wide, lying twenty-five feet on each side of a center line, beginning at a point in the southern boundary line of lock D reservation, seven hundred and thirty-four and eight-tenths feet from the southwest corner of this reservation; thence south thirty-one degrees five minutes west seventy-seven and one-tenth feet, thence south eighty-six degrees twenty-one minutes west four hundred and seventy-nine and nine-tenths feet, thence south sixty-three degrees fifty-three minutes west two hundred and sixty-two and three-tenths feet, thence south thirty-nine degrees thirty-six minutes west one hundred and eighty-six and seven-tenths feet, thence south exactly forty minutes east exactly one hundred and ninety-four feet, thence south thirty degrees fifty-eight minutes east three hundred and fourteen and five-tenths feet, thence south twenty-eight degrees fifteen minutes east exactly eighty-five feet, thence south twenty-eight degrees thirty-seven minutes east two hundred and fifty and five-tenths feet, thence south four degrees six minutes east two hundred and sixty-one and seven-tenths feet, thence south thirty-six degrees twenty-seven minutes east two hundred and eighty-two and three-tenths feet, thence south twenty-three degrees forty-five minutes east one hundred and seventy-eight and three-tenths feet to center line of county road, reserving, however, to the Department of the Army the right to the continued use of the road over this tract as a means of access to lock D.

Tract numbered 2, beginning at a point in the southern boundary line of lock D reservation, seven hundred and fifty-three and five-tenths feet from the southwest corner of this reservation, thence north seventy-four degrees twenty-eight minutes east one hundred and ninety-one and ninety-eight one-hundredths feet, thence south eighty-five degrees twelve minutes east fifty-two and nine-tenths feet, thence south fifty-one degrees thirty-six minutes east thirty-two and nine-tenths feet, thence south nine degrees thirty-three minutes east one hundred and seventeen and two one-hundredths feet, thence south thirty-one degrees three minutes west sixty-nine and eighty-two one-hundredths feet, thence north fifty-eight degrees fifty-seven minutes west two hundred and eighty-eight and eight one-hundredths feet to beginning.

Tract numbered 3, beginning at a point in the southern boundary line of lock D reservation, five hundred and ninety feet from the southwest corner of this reservation, this point being marked by an iron fence post, thence north

fifty-eight degrees fifty-seven minutes west five hundred and ninety feet along the southern boundary line of lock D reservation, thence north thirty-one degrees three minutes east four hundred and eighty-eight feet along the western boundary line of the lock D reservation to low-water mark on bank of Cumberland River, thence along low-water line of Cumberland River in a southeasterly direction three hundred and thirty-five feet, thence south thirty-four degrees five minutes west one hundred and twenty-three feet to an iron pin, thence south fifty-five degrees fifty-five minutes east three hundred and seven and five-tenths feet to an iron pin, thence south forty degrees five minutes west three hundred and ten and five-tenths feet to beginning.

(Aug. 30, 1937, ch. 888, §1, 50 Stat. 881; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

"Fort Donelson National Battlefield" and "battlefield" substituted in text for "Fort Donelson National Military Park" and "park", respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428d-2. Acceptance of donations by Secretary of the Interior

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within a distance of one mile from the boundaries of said Fort Donelson National Battlefield, as extended by section 428d-1 of this title, and donations of funds for the purchase or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable or by condemnation, such tracts of land within a distance of one mile from the boundaries of the said national battlefield as may be necessary for the completion thereof. Upon the acquisition of such land, the same shall become a part of the Fort Donelson National Battlefield and shall be subject to the laws and rules and regulations applicable to said battlefield.

(Aug. 30, 1937, ch. 888, §2, 50 Stat. 882; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

"Fort Donelson National Battlefield", "national battlefield" and "battlefield" substituted in text for "Fort Donelson National Military Park", "national military park" and "park", respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428d-3. Administration, protection, and development

The administration, protection, and development of the lands authorized to be added to the Fort Donelson National Battlefield by sections 428d-1 and 428d-2 shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(Aug. 30, 1937, ch. 888, §3, 50 Stat. 883; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Battlefield” substituted in text for “Fort Donelson National Military Park” in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the Legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 428 to 428d and 428e to 428i of this title, together with the area already inclosed within the national cemetery at the battle field of Fort Donelson, are declared to be a national battlefield, to be known as the Fort Donelson National Battlefield.

(Mar. 26, 1928, ch. 248, §6, 45 Stat. 368; Pub. L. 86-738, §4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Battlefield” and “battlefield” substituted in text for “Fort Donelson National Military Park” and “park”, respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

§ 428f. Control of battlefield; regulations

The said Fort Donelson National Battlefield shall be under the control of the Secretary of the Interior, and he is authorized to make all needed regulations for the care of the battlefield. The superintendent of the Fort Donelson National Cemetery shall likewise be the superintendent of and have the custody and care of the Fort Donelson National Battlefield, under the direction of the Secretary of the Interior.

(Mar. 26, 1928, ch. 248, §7, 45 Stat. 368; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §§4, 5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Battlefield” and “battlefield” substituted in text for “Fort Donelson National Military Park” and “park”, respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428g. Occupation of lands by former owners

The Secretary of the Interior is authorized to enter into agreements, upon such nominal terms

as he may prescribe, with such present owners of the land as may desire to remain upon it, to occupy and cultivate their present holdings, upon condition that they will preserve the present buildings and roads, and the present outlines of field and forest, and that they will only cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(Mar. 26, 1928, ch. 248, §8, 45 Stat. 368; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428h. Ascertaining and marking line of battle

It shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior and shall first receive the written approval of the Secretary.

(Mar. 26, 1928, ch. 248, §9, 45 Stat. 368; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §§4, 5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Battlefield” substituted in text for “Fort Donelson National Military Park” in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428i. Protection of monuments, etc.

If any person shall willfully destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the battlefield by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such battlefield, except by permission of the Secretary of the Interior, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies

formerly engaged in the battle on the lands or approaches to the battlefield, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

(Mar. 26, 1928, ch. 248, § 10, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, §§ 4, 5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Battlefield” substituted for “park” wherever appearing in text in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

§ 428j. Omitted

CODIFICATION

Section, act Mar. 26, 1928, ch. 248, § 11, 45 Stat. 369, appropriated \$50,000 to be expended for purposes of sections 428 to 428d, 428e to 428i of this title.

§ 428k. Addition of lands

In furtherance of the purposes of sections 428 to 428d and 428e to 428i of this title and to facilitate an appropriate observance of the one hundredth anniversary of the Battle of Fort Donelson, the Secretary of the Interior is authorized to designate for addition to the present Fort Donelson National Battlefield such lands and interests in lands adjacent to said battlefield as in his discretion are necessary to preserve and interpret this historic battleground, including the nearby historic Surrender House and the land upon which it is situated on Spring Street in the town of Dover, Tennessee.

(Pub. L. 86-738, §§ 1, 4, Sept. 8, 1960, 74 Stat. 875, 876; Pub. L. 108-367, § 6, Oct. 25, 2004, 118 Stat. 1745.)

AMENDMENTS

2004—Pub. L. 108-367 substituted “Tennessee” for “Tennessee, but the total area commemorating the battle of Fort Donelson shall not exceed 600 acres”.

CHANGE OF NAME

“Fort Donelson National Battlefield” and “battlefield” substituted in text for “Fort Donelson National Military Park” and “park”, respectively, in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, § 4, set out as section 428n of this title.

§ 428l. Acquisition of lands; agreement for transfer of jurisdiction

Within the area designated for addition to such battlefield under section 428k of this title, the Secretary is authorized to acquire non-Federal lands and interests in lands by purchase, by donation, by purchase with donated funds, or in such other manner and by such means as he may deem to be in the public interest, except that the Surrender House and land upon which it is situated shall be acquired only by donation or

by purchase with donated funds. Administrative jurisdiction and control over lands administered by the Corps of Engineers, Department of the Army, above contour elevation 369 and which, under authority of section 428k of this title, are designated for inclusion in the battlefield, shall, upon agreement of the administering agency, be transferred to the Secretary of the Interior without a transfer of funds.

(Pub. L. 86-738, §§ 2, 4, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738, § 4, set out as section 428n of this title.

§ 428m. Authorization of appropriation

There is authorized to be appropriated the sum of not to exceed \$454,000 for the purpose of acquiring lands, interests in lands, and improvements thereon as may be necessary for carrying out sections 428k to 428o of this title.

(Pub. L. 86-738, § 3, Sept. 8, 1960, 74 Stat. 876; Pub. L. 92-272, title I, § 101(5), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 increased authorization of appropriations from a sum not to exceed \$226,000 to a sum not to exceed \$454,000.

§ 428n. Change in name to Fort Donelson National Battlefield

Upon acquisition of the additional lands pursuant to authority contained in sections 428k to 428o of this title, the Fort Donelson National Military Park shall be redesignated by the Secretary of the Interior as the Fort Donelson National Battlefield, notice thereof shall be published in the Federal Register, and any remaining balance of funds appropriated for purposes of the Fort Donelson National Military Park shall be available for the purposes of the Fort Donelson National Battlefield.

(Pub. L. 86-738, § 4, Sept. 8, 1960, 74 Stat. 876.)

§ 428o. Administration, protection, and development

The administration, protection, and development of the Fort Donelson National Battlefield shall be exercised by the Secretary of the Interior in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

§ 428p. Fort Donelson National Battlefield

(a) Designation; purpose

There exists as a unit of the National Park System the Fort Donelson National Battlefield to commemorate—

- (1) the Battle of Fort Donelson in February 1862; and
- (2) the campaign conducted by General Ulysses S. Grant and Admiral Andrew H. Foote that resulted in the capture of Fort Donelson by Union forces.

(b) Boundaries

The boundary of the Fort Donelson National Battlefield is revised to include the site of Fort

Donelson and associated land that has been acquired by the Secretary of the Interior for administration by the National Park Service, including Fort Donelson National Cemetery, in Stewart County, Tennessee and the site of Fort Heiman and associated land in Calloway County, Kentucky, as generally depicted on the map entitled “Fort Donelson National Battlefield Boundary Adjustment” numbered 328/80024, and dated September 2003. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) Expansion of boundaries

The Fort Donelson National Battlefield shall also include any land acquired pursuant to section 428p-1 of this title.

(Pub. L. 108-367, § 2, Oct. 25, 2004, 118 Stat. 1743.)

§ 428p-1. Land acquisition related to Fort Donelson National Battlefield

(a) Acquisition authority

Subject to subsections (b) and (c) of this section, the Secretary of the Interior may acquire land, interests in land, and improvements thereon for inclusion in the Fort Donelson National Battlefield. Such land, interests in land, and improvements may be acquired by the Secretary only by purchase from willing sellers with appropriated or donated funds, by donation, or by exchange with willing owners.

(b) Land eligible for acquisition

The Secretary of the Interior may acquire land, interests in land, and improvements thereon under subsection (a) of this section—

(1) within the boundaries of the Fort Donelson National Battlefield described in section 428p(b) of this title; and

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) of this section will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

(c) Boundary revision

Upon acquisition of land or interests in land described in subsection (b)(2) of this section, the Secretary of the Interior shall revise the boundaries of the Fort Donelson National Battlefield to include the acquired property.

(d) Limitation on total acreage of park

The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

(Pub. L. 108-367, § 3, Oct. 25, 2004, 118 Stat. 1743.)

§ 428p-2. Administration of Fort Donelson National Battlefield

The Secretary of the Interior shall administer the Fort Donelson National Battlefield in accordance with sections 428p to 428p-2 of this title and the laws generally applicable to units of the National Park System, including sections 1, 2, 3,

and 4 of this title and sections 461 to 467 of this title.

(Pub. L. 108-367, § 4, Oct. 25, 2004, 118 Stat. 1744.)

REFERENCES IN TEXT

Sections 428p to 428p-2 of this title, referred to in text, was in the original “this Act”, meaning Pub. L. 108-367, Oct. 25, 2004, 118 Stat. 1743, which enacted this section and sections 428p and 428p-1 of this title, amended section 428k of this title, and enacted provisions set out as a note under section 428 of this title. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 428 of this title and Tables.

§ 429. Brices Cross Roads and Tupelo battlefields in Mississippi; establishment

For the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of the Interior is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

(Feb. 21, 1929, ch. 289, § 1, 45 Stat. 1254; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

“Secretary of the Interior” substituted in text for “Secretary of War” pursuant to Reorg. Plan No. 3 of 1950, §§ 1, 2; Ex. Ord. No. 6166, § 2; and Ex. Ord. No. 6228, § 1. See below.

Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate.

Ex. Ord. No. 6166, § 2, and Ex. Ord. No. 6228, § 1, set out as a note under section 901 of Title 5, transferred the administrative functions of Brices Cross Roads and Tupelo battlefield sites to the Department of the Interior.

§ 429a. Jurisdiction and control; authorization of annual appropriation

Each parcel of land acquired under section 429 of this title shall be under the jurisdiction and control of the Secretary of the Interior, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

(Feb. 21, 1929, ch. 289, § 3, 45 Stat. 1254; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

TRANSFER OF FUNCTIONS

“Secretary of the Interior” substituted in text for “Secretary of War” pursuant to Reorg. Plan No. 3 of 1950, §§ 1, 2; Ex. Ord. No. 6166, § 2; and Ex. Ord. No. 6228, § 1. See below.

Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees, transferred the functions of other officers, employees, and agencies of the Department of the Interior, with certain exceptions, to the Secretary of the Interior, with power to delegate.

Ex. Ord. No. 6166, §2, and Ex. Ord. No. 6228, §1, set out as a note under section 901 of Title 5, transferred the administrative functions of Brices Cross Roads and Tupelo battlefield sites to the Department of the Interior.

§ 429a-1. Tupelo National Battlefield; acquisition of additional lands

To further the purposes of sections 429 and 429a of this title, the Secretary of the Interior may acquire by donation or with donated funds not to exceed one-half acre of land and interests in land for addition to the adjoining Tupelo National Battlefield site.

(Pub. L. 87-133, §1, Aug. 10, 1961, 75 Stat. 336.)

§ 429a-2. Change in name to Tupelo National Battlefield; administration

The Tupelo National Battlefield site is redesignated the Tupelo National Battlefield which shall continue to be administered pursuant to sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(Pub. L. 87-133, §2, Aug. 10, 1961, 75 Stat. 336.)

§ 429b. Manassas National Battlefield Park

(a) Establishment; boundaries

There is established as a unit of the national park system in the Commonwealth of Virginia the Manassas National Battlefield Park, which shall contain within its boundaries the important historical lands relating to the two battles of Manassas. The total area of the park shall not be greater than four thousand five hundred and twenty-five acres. The boundaries of the park shall be the boundaries depicted on the map entitled "Boundary Map, Manassas National Battlefield Park", dated October 1980, and numbered 379/80,009, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall publish in the Federal Register, as soon as practicable after the date of the enactment of this Act, but no later than one year from the effective date of this section, a detailed description and map of the boundaries. Notwithstanding section 4607-9(c) of this title, the Secretary may not make any changes in the boundaries of the park. The Secretary shall administer the park in accordance with laws, rules, and regulations applicable to the national park system.

(b) Addition to park

(1) In addition to subsection (a) of this section, the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in sections 429b to 429b-5 of this title be referred to as the "Addition".

(2)(A) Notwithstanding any other provision of law, effective on November 10, 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and

credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to 31 U.S.C. 1304. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from November 10, 1988, to the last day of the month preceding the date on which payment is made.

(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after November 10, 1988, the Secretary may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

(3) Not later than 6 months after November 10, 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) Use of addition

The Secretary shall not allow any unauthorized use of the Addition after November 10, 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.

(Apr. 17, 1954, ch. 153, §1, 68 Stat. 56, as renumbered and amended Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1885; Pub. L. 100-647, title X, §10002, Nov. 10, 1988, 102 Stat. 3810.)

REFERENCES IN TEXT

The date of the enactment of this Act and effective date of this Act, referred to in subsec. (a), probably means the date of the enactment of the Manassas National Battlefield Park Amendments of 1980, Pub. L. 96-442, which was approved Oct. 13, 1980.

AMENDMENTS

1988—Pub. L. 100-647 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

1980—Pub. L. 96-442 substituted a referenced map for specific boundaries, limited the expanded battlefield park to 4,525 acres, included the park in the National Park System, required the Secretary to publish more detailed map, prohibited the Secretary from making boundary adjustments and required him to administer the Park in accordance with the laws and regulations applicable to the National Park System.

SHORT TITLE OF 1988 AMENDMENT

Section 10001 of title X of Pub. L. 100-647 provided that: "This title [amending this section and section 429b-1 of this title and enacting provisions set out as a note below] may be cited as the 'Manassas National Battlefield Park Amendments of 1988'."

SHORT TITLE

Section 1 of Pub. L. 96-442 provided: "That this Act [enacting sections 429b-1 to 429b-5 of this title, amend-

ing this section, and enacting provisions set out as a note under section 460cc of this title] may be cited as the 'Manassas National Battlefield Park Amendments of 1980.'

HIGHWAY RELOCATION

Section 10004 of Pub. L. 100-647 provided that:

“(a) **STUDY.**—The Secretary of the Interior (hereafter in this section referred to as the ‘Secretary’), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the ‘park’). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

“(b) **DETERMINATION.**—Within 1 year after the enactment of this Act [Nov. 10, 1988], the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

“(c) **ASSISTANCE.**—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest of protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

“(d) **AUTHORIZATION.**—There is authorized to be appropriated to the Secretary not to exceed \$30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).”

§ 429b-1. Acquisition and use of lands

(a) Acquisition of property or interests in property; scenic preservation of views

(1) In order to effectuate the purposes of sections 429b to 429b-5 of this title, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds or exchange, any property or interests therein which are located within the boundaries of the park, except that property owned by the Commonwealth of Virginia or by any political subdivision thereof may be acquired only by donation.

(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.

(b) Acquisition of fee simple title with the consent of owner; hearing and review

With respect to areas within the 1954 boundaries of the park, as identified on the map referred to in section 429b of this title, the Sec-

retary may not acquire fee simple title to such areas without the consent of the owner so long as the lands continue to be devoted to a use which is the same as that in effect on September 1, 1980. Further, if the Secretary proposes to acquire fee simple title to such property because of a change in use, the owner of such property may seek a review of the proposed acquisition of his or her property and is entitled to a hearing on the record in accordance with section 554 of title 5.

(c) Secretary authorized to make land available for Route 234 bypass

If the Virginia Department of Highways and Transportation determines that the proposed Route 234 bypass should be properly located between the Virginia Electric Power Company powerline easement and route 705, the Secretary shall make available the land necessary for such bypass, subject to such revisions, terms, and conditions as the Secretary deems are necessary and appropriate to assure that such bypass is located, constructed, operated, and maintained in a manner consistent with the administration of the park.

(d) Secretary not to close State roads

The Secretary may not close any State roads within the park unless action permitting the closing of such roads has been taken by appropriate officials of the Commonwealth of Virginia.

(Apr. 17, 1954, ch. 153, § 2, as added Pub. L. 96-442, § 2, Oct. 13, 1980, 94 Stat. 1885; amended Pub. L. 100-647, title X, § 10003, Nov. 10, 1988, 102 Stat. 3811.)

AMENDMENTS

1988—Subsec. (a). Pub. L. 100-647 designated existing provisions as par. (1) and added par. (2).

§ 429b-2. Retention of right of use and occupation of improved property by owner

(a) Time limits; compensation

Subsequent to October 13, 1980, the owner of improved property on the date of its acquisition by the Secretary 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 for a term ending at the death of the owner or the death of the spouse of the owner, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner an amount equal to the fair market value of the property on the date of its acquisition less the value on such date of the right retained by the owner. If such property is donated (in whole or in part) to the United States, the Secretary may pay to the owner such lesser amount as the owner may agree to. 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 purposes of sections 429b to 429b-5 of this title, 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) Displaced person; waiver of benefits

No property owner who elects to retain a right of use and occupancy under this section shall be considered a displaced person as defined in section 4601(6) of title 42. Such owners shall be considered to have waived any benefits which would otherwise accrue to them under sections 4623 to 4626 of title 42.

(Apr. 17, 1954, ch. 153, §3, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)

§ 429b-3. Definitions

For purposes of sections 429b to 429b-5 of this title—

(1) The term “improved property” means a detached, one-family dwelling, construction of which was begun before January 1, 1979, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(2) The term “park” means the Manassas National Battlefield Park established under sections 429b to 429b-5 of this title.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “owner” means the owner of record as of September 1, 1980.

(Apr. 17, 1954, ch. 153, §4, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)

§ 429b-4. Funds from Land and Water Conservation Fund

(a) Maximum amount usable for acquisition of property

In addition to sums heretofore expended for the acquisition of property and interests therein for the park, from funds available for expenditure from the Land and Water Conservation Fund, as established under the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4607-4 et seq.], not more than a total of \$8,700,000 may be expended for the acquisition of property and interests therein under sections 429b to 429b-5 of this title.

(b) Completion of acquisition in two years

It is the express intent of Congress that, except for property referred to in section 429b-1(b) of this title, the Secretary shall acquire property and interests therein under sections 429b to 429b-5 of this title within two complete fiscal years after October 13, 1980.

(Apr. 17, 1954, ch. 153, §5, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964,

78 Stat. 897, as amended, which is classified generally to part B (§4607-4 et seq.) of subchapter LXIX of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4607-4 of this title and Tables.

§ 429b-5. Funding limitations; contracting authority, etc.

(a) Effective date of authorizations

Authorizations of moneys to be appropriated under sections 429b to 429b-5 of this title from the Land and Water Conservation Fund for acquisition of properties and interests shall be effective on October 1, 1981.

(b) Authority limited by appropriations

Notwithstanding any other provision of sections 429b to 429b-5 of this title, authority to enter into contracts, to incur obligations, or to make payments under sections 429b to 429b-5 of this title shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.

(Apr. 17, 1954, ch. 153, §6, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1887.)

§ 430. Kings Mountain National Military Park; establishment

In order to commemorate the Battle of Kings Mountain, which was fought on the 7th day of October 1780, the Kings Mountain battle ground, in the State of South Carolina, including such adjacent and contiguous lands as may be useful and proper in effectually carrying out the purpose of sections 430, 430a, and 430b to 430e of this title, is declared to be a national military park, to be known as the Kings Mountain National Military Park, when such land including said battle ground, shall become the property of the United States.

(Mar. 3, 1931, ch. 437, §1, 46 Stat. 1508.)

§ 430a. Acquisition of land

The Secretary of the Interior shall ascertain on what land the Battle of Kings Mountain was fought and, subject to the provisions of sections 3111 and 3112 of title 40, shall proceed to acquire title to such land together with such adjacent and contiguous lands as he may deem useful and proper in effectually carrying out the purposes of sections 430, 430a, and 430b of this title, either by purchase or gift or by condemnation under the provisions of section 3113 of title 40.

(Mar. 3, 1931, ch. 437, §2, 46 Stat. 1508; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

CODIFICATION

“Sections 3111 and 3112 of title 40” substituted in text for “section 355 of the Revised Statutes” and “section 3113 of title 40” substituted in text for “the Act entitled ‘An Act to authorize condemnation of lands for sites for public buildings, and for other purposes,’ approved August 1, 1888” 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.

TRANSFER OF FUNCTIONS

Administrative functions of Kings National Military Park transferred to Department of the Interior by Ex.

Ord. Nos. 6166 and 6228, set out as a note under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, §2, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

§ 430a-1. Revision of boundaries

In order to consolidate the Federal ownership of lands in, and to facilitate protection and preservation of, Kings Mountain National Military Park, South Carolina, the boundaries are revised as follows:

(1) Federally owned lands lying west of the easterly right-of-way line of State Route P-11-123, containing approximately two hundred acres, are excluded from the park;

(2) Privately owned lands lying east of the easterly right-of-way line of State Route P-11-123, containing approximately eighty acres, are included in the park; and

(3) Lands of the Mary Morris estate lying south of the southerly right-of-way line of the historic Yorkville-Shelbyville Road, and forming the triangle bounded by the new State Route P-11-86, the historic Yorkville-Shelbyville Road and the present park boundary (Old Houser tract), aggregating approximately sixty acres, are included in the park.

(Pub. L. 86-62, §1, June 23, 1959, 73 Stat. 108.)

§ 430a-2. Acquisition of lands within revised boundary

The Secretary of the Interior is authorized to acquire lands and interests in lands within the revised boundary by purchase, donation, with donated funds, or by exchange, utilizing for such exchanges federally owned lands of approximately equal value excluded from the park pursuant to sections 430a-1 to 430a-3 of this title. Federally owned lands so excluded which the Secretary of the Interior determines are not needed for such exchanges shall be disposed of in accordance with the provisions of 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.

(Pub. L. 86-62, §2, June 23, 1959, 73 Stat. 108.)

CODIFICATION

In text, "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, 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.

§ 430a-3. Applicability of laws and regulations to acquired lands and interests therein

Lands and interests therein acquired pursuant to sections 430a-1 to 430a-3 of this title shall thereupon become a part of the Kings Mountain National Military Park and be subject to all the laws and regulations applicable thereto.

(Pub. L. 86-62, §3, June 23, 1959, 73 Stat. 108.)

§ 430b. Control; regulations for care and management

Such park shall be under the control and direction of the Secretary of the Interior. The Secretary is authorized to prescribe from time to time such regulations for the care and management of such park as he may deem necessary.

(Mar. 3, 1931, ch. 437, §3, 46 Stat. 1508; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 430a of this title.

§ 430c. Permits to occupy land

Upon such terms and conditions as he may prescribe, the Secretary of the Interior is authorized to permit any person occupying any land within the boundaries of such park to continue to occupy such land, but the Secretary may revoke such permit at any time.

(Mar. 3, 1931, ch. 437, §4, 46 Stat. 1508; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 430a of this title.

§ 430d. Repair of roads; historical markers

The Secretary of the Interior shall open or repair such roads in such park as may be necessary, and ascertain and mark with tablets or otherwise, as he may determine, all lines of battle of the American troops and British troops engaged in the Battle of Kings Mountain and other historical points of interest pertaining to the battle which are within the boundaries of the park. The Secretary is authorized to employ such labor and services and to obtain such supplies and materials as may be necessary to carry out the provisions of this section.

(Mar. 3, 1931, ch. 437, §5, 46 Stat. 1508; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 430a of this title.

§ 430e. Monuments and tablets within park; approval

The authorities of any State which had troops engaged in the Battle of Kings Mountain may enter the Kings Mountain National Military Park for the purpose of ascertaining and marking the lines of battle of such troops, but before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be approved by the Secretary of the Interior. Any State organization or individual may, with the approval of the Secretary of the Interior, erect monuments or place tablets within such park.

(Mar. 3, 1931, ch. 437, §6, 46 Stat. 1508; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933.)

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 430a of this title.

§ 430f. Shiloh National Military Park

In order that the armies of the southwest which served in the civil war, like their comrades of the eastern armies at Gettysburg and those of the central west at Chickamauga, may have the history of one of their memorable battles preserved on the ground where they fought, that part of the battlefield of Shiloh, in the State of Tennessee, title to which has heretofore been acquired by the United States, and as to which the usual jurisdiction over the lands and the roads of same has been granted to the United States by the State of Tennessee, containing 3,000 acres, more or less, shall be a national military park, and shall be known as the Shiloh National Military Park. The Secretary of the Interior is authorized to enter into agreements whereby he may lease, upon such terms as he may prescribe, with such persons, who were owners or tenants of the land on December 27, 1894, as may desire to remain upon it to occupy and cultivate their then holdings upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they only will cut trees or underbrush under such regulations as the Secretary may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority. It shall be the duty of the Secretary of the Interior to cause to be opened or repaired such roads as may be necessary for the purposes of the park and to cause to be ascertained and marked with historical tablets or otherwise, as he may determine, all lines of battle of the troops engaged in the battle of Shiloh and other historical points of interest pertaining to the battle within the park or its vicinity, and the Secretary of the Interior shall make and enforce all needed regulations for the care of the park. It shall be lawful for any State that had troops engaged in the battle of Shiloh to enter upon the lands of the Shiloh National Military Park for the purpose of ascertaining and marking the lines of battle of its troops therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of the Interior, and all such lines, designs and inscriptions for the same shall first receive the written approval of the Secretary: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(Dec. 27, 1894, ch. 12, 28 Stat. 597; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 637.)

CODIFICATION

Section is based on sections 1 to 6 of act Dec. 27, 1894. Section 7 of the act, which established fines for offenses

against park property, and section 8, which authorized initial appropriations for the park, were not classified to the Code.

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which required the affairs of Shiloh National Military Park to be subject to supervision and direction of Secretary of the Interior.

TRANSFER OF FUNCTIONS

Administrative functions of Shiloh National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

EXCHANGE OF LANDS

Act June 25, 1947, ch. 126, 61 Stat. 173, provided: "That the Secretary of the Interior is authorized, in his discretion, and under such terms and conditions as he may deem necessary, to convey, without consideration, to W. A. Shaw and E. L. Shaw, or nominees, the following-described lands within Shiloh National Military Park in Hardin County in the State of Tennessee: Beginning at a point from which the intersection of Shiloh National Military Park boundary between boundary corners numbered 228 and 229 with center line of Confederate Road bears south eight degrees fifty-seven minutes east, eighty and thirty-seven one-hundredths feet (said intersection bears north eighty-eight degrees ten minutes fourteen seconds west, one thousand one hundred and thirty-one and eighty-nine one-hundredths feet from boundary corner numbered 228); thence north twenty-nine degrees thirty-one minutes west, three hundred and twenty-six feet; thence south seventy-six degrees nineteen minutes east, three hundred and thirty-seven and fifty-four one-hundredths feet; and thence running sixty feet from and parallel to center line of Confederate Road south thirty-nine degrees twenty minutes west, two hundred and sixty-three and forty-six one-hundredths feet to the point of beginning. The tract as described contains approximately ninety-two one-hundredths acre.

"SEC. 2. For the purpose of consolidating Federal holdings within the park, the Secretary of the Interior is authorized, in his discretion and under such terms and conditions as he may deem necessary, to accept any non-Federal real or personal property within the authorized boundaries of the park. In exchange for such properties, he may, in his discretion, convey to the grantors of such properties any Federally owned lands or interests in lands within the authorized boundaries of the park which are of approximately equal value, as determined by the Secretary, to the properties being acquired in each case."

§ 430f-1. Conveyance of lands

In order that existing roads within Shiloh National Military Park may be devoted primarily to use by park visitors and that traffic hazards and nonconforming uses may be eliminated from the park by providing a more suitable road location and related area for the highways designated State Routes Numbered 22 and 142 which now traverse the central portion of the park, the Secretary of the Interior is authorized to convey certain lands within Shiloh National Military Park on the terms and conditions hereinafter provided.

(Pub. L. 85-406, §1, May 16, 1958, 72 Stat. 114.)

§ 430f-2. Conveyance of right-of-way; construction and maintenance of roadways

The Secretary may convey to the State of Tennessee for road purposes a right-of-way located in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, being a minimum of one hundred and twenty feet and a maximum of one hundred and forty feet in width, and a length of approximately eighteen thousand and nine hundred feet, said right-of-way containing approximately fifty-one acres: *Provided*, That, in exchange, the State constructs and thereafter maintains a roadway on said lands and thereupon releases those portions of the present highways within the park designated State Routes Numbered 22 and 142 from such designation and subsequent use for State highway purposes.

(Pub. L. 85-406, §2, May 16, 1958, 72 Stat. 114.)

§ 430f-3. Conveyance of lands for recreational area; development and use

The Secretary may convey to the State of Tennessee for use as a recreational area contiguous and incident to the relocated State Route Numbered 22 certain lands situated in Hardin County, Tennessee, as shown on National Park Service map NMP-SH-7006, revised June 1956, and designated thereon as parcel A, said lands containing one hundred and fifty-one acres, more or less: *Provided*, That in exchange the lands so conveyed shall be developed and used exclusively by the State or its political subdivisions for recreational purposes only, thereby removing certain incompatible uses from the military park.

(Pub. L. 85-406, §3, May 16, 1958, 72 Stat. 114.)

§ 430f-4. Jurisdiction of lands

Upon the delivery and acceptance of the conveyance herein authorized, any jurisdiction heretofore ceded to the United States by the State of Tennessee over the lands conveyed shall thereby cease and determine and shall thereafter vest and be in the State of Tennessee.

(Pub. L. 85-406, §4, May 16, 1958, 72 Stat. 115.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 85-406, which is classified to sections 430f-1 to 430f-4 of this title. For complete classification of this Act to the Code, see Tables.

§ 430f-5. Siege and Battle of Corinth

(a) Purpose

The purpose of this section is to provide for a center for the interpretation of the Siege and Battle of Corinth and other Civil War actions in the Region and to enhance public understanding of the significance of the Corinth Campaign in the Civil War relative to the Western theater of operations, in cooperation with State or local governmental entities and private organizations and individuals.

(b) Acquisition of property at Corinth, Mississippi

The Secretary of the Interior (referred to in this title¹ as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, or exchange, such land and interests in land in the vicinity of the Corinth Battlefield, in the State of Mississippi, as the Secretary determines to be necessary for the construction of an interpretive center to commemorate and interpret the 1862 Civil War Siege and Battle of Corinth.

(c) Publicly owned land

Land and interests in land owned by the State of Mississippi or a political subdivision of the State of Mississippi may be acquired only by donation.

(d) Interpretive center and marking

(1) Interpretive center

The Secretary shall construct, operate, and maintain on the property acquired under subsection (b) of this section a center for the interpretation of the Siege and Battle of Corinth and associated historical events for the benefit of the public.

(2) Marking

The Secretary may mark sites associated with the Siege and Battle of Corinth National Historic Landmark, as designated on May 6, 1991, if the sites are determined by the Secretary to be protected by State or local governmental agencies.

(3) Administration

The land and interests in land acquired, and the facilities constructed and maintained pursuant to this section, shall be administered by the Secretary as a part of Shiloh National Military Park, subject to the appropriate laws (including regulations) applicable to the Park, sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

(e) Authorization of appropriations

There are authorized to be appropriated \$6,000,000 for development to carry out this section.

(Pub. L. 104-333, div. I, title VI, §602, Nov. 12, 1996, 110 Stat. 4171.)

REFERENCES IN TEXT

This title, referred to in subsec. (b), is title VI of div. I of Pub. L. 104-333, which enacted this section, section 469k of this title, provisions set out as a note under section 1a-5 of this title, and provisions listed in a table of National Battlefield Sites set out under section 461 of this title.

§ 430f-6. Corinth Unit of the Shiloh National Military Park; findings and purposes

(a) Findings

Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil

¹ See References in Text note below.

War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

- (i) State or local governmental entities;
- (ii) private organizations; and
- (iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to the Civil War battles fought in the area in and around the city of Corinth.

(b) Purposes

The purposes of sections 430f-6 to 430f-12 of this title are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

- (A) in the city of Corinth, Mississippi; and
- (B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

- (A) the State of Mississippi;
- (B) the State of Tennessee;
- (C) the city of Corinth, Mississippi;
- (D) other public entities; and
- (E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites in and around the city of Corinth that—

- (A) are consistent with the themes of the Siege and Battle of Corinth;
- (B) meet the criteria for designation as a unit of the National Park System; and
- (C) are considered appropriate for inclusion in the Unit.

(Pub. L. 106-271, §2, Sept. 22, 2000, 114 Stat. 792.)

SHORT TITLE

Pub. L. 106-271, §1, Sept. 22, 2000, 114 Stat. 792, provided that: “This Act [enacting this section and sections 430f-7 to 430f-12 of this title] may be cited as the ‘Corinth Battlefield Preservation Act of 2000’.”

§ 430f-7. Definitions

In sections 430f-6 to 430f-12 of this title:

(1) Map

The term “Map” means the map entitled “Park Boundary-Corinth Unit”, numbered 304A/80009, and dated April 2007.

(2) Park

The term “Park” means the Shiloh National Military Park.

(3) Secretary

The term “Secretary” means the Secretary of the Interior.

(4) Unit

The term “Unit” means the Corinth Unit of Shiloh National Military Park established under section 430f-8 of this title.

(Pub. L. 106-271, §3, Sept. 22, 2000, 114 Stat. 793; Pub. L. 110-161, div. F, title I, §127(1), Dec. 26, 2007, 121 Stat. 2122.)

AMENDMENTS

2007—Par. (1). Pub. L. 110-161 substituted “304A/80009, and dated April 2007” for “304/80,007, and dated October 1998”.

§ 430f-8. Establishment of Unit

(a) In general

There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) Composition of Unit

The Unit shall be comprised of—

(1) approximately 950 acres, as generally depicted on the Map; and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) Availability of Map

The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(Pub. L. 106-271, §4, Sept. 22, 2000, 114 Stat. 793; Pub. L. 110-161, div. F, title I, §127(2), Dec. 26, 2007, 121 Stat. 2122.)

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-161 added par. (1) and struck out former par. (1) which read as follows: “the tract consisting of approximately 20 acres generally depicted as ‘Battery Robinett Boundary’ on the Map; and”.

§ 430f-9. Land acquisition

(a) In general

The Secretary may acquire land and interests in land within the boundary of the Park described in section 430f-8(b) of this title, by—

- (1) donation;
- (2) purchase with donated or appropriated funds; or
- (3) exchange.

(b) Exception

Land may be acquired only by donation from—

- (1) the State of Mississippi (including a political subdivision of the State);
- (2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as “Friends of the Siege and Battle of Corinth”.

(Pub. L. 106-271, §5, Sept. 22, 2000, 114 Stat. 793; Pub. L. 110-161, div. F, title I, §127(3), Dec. 26, 2007, 121 Stat. 2122.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 110-161 substituted “described in section 430f-8(b) of this title” for “as depicted on the Map” in introductory provisions.

§ 430f-10. Park management and administration

(a) In general

The Secretary shall administer the Unit in accordance with sections 430f-6 to 430f-12 of this title and the laws generally applicable to units of the National Park System, including—

- (1) sections 1, 2, 3, and 4 of this title; and
- (2) sections 461 to 467 of this title.

(b) Duties

In accordance with section 430f-5 of this title, the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

- (A) the role of railroads in the Civil War;
- (B) the story of the Corinth contraband camp; and
- (C) the development of field fortifications as a tactic of war.

(c) Cooperative agreements

(1) In general

To carry out sections 430f-6 to 430f-12 of this title, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

- (A) colleges and universities;
- (B) historical societies;
- (C) State and local agencies; and
- (D) nonprofit organizations.

(2) Technical assistance

To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

- (A) the State of Mississippi (including a political subdivision of the State);
- (B) the State of Tennessee (including a political subdivision of the State);
- (C) a governmental entity;
- (D) a nonprofit organization; and

(E) a private property owner.

(d) Resources outside the Unit

Nothing in subsection (c)(2) of this section authorizes the Secretary to own or manage any resource outside the Unit.

(Pub. L. 106-271, §6, Sept. 22, 2000, 114 Stat. 794.)

§ 430f-11. Repealed. Pub. L. 110-161, div. F, title I, § 127(4), Dec. 26, 2007, 121 Stat. 2122

Section, Pub. L. 106-271, §7, Sept. 22, 2000, 114 Stat. 795, related to authorization of special resource study.

§ 430f-12. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out sections 430f-6 to 430f-12 of this title, including \$3,000,000 for the construction of an interpretive center under section 430f-5(d) of this title.

(Pub. L. 106-271, §7, formerly §8, Sept. 22, 2000, 114 Stat. 796; renumbered §7, Pub. L. 110-161, div. F, title I, §127(5), Dec. 26, 2007, 121 Stat. 2122.)

PRIOR PROVISIONS

A prior section 7 of Pub. L. 106-271 was classified to section 430f-11 of this title, prior to repeal by Pub. L. 110-161.

§ 430g. Gettysburg National Military Park

The lands heretofore conveyed by the Gettysburg Battlefield Memorial Association to the United States, embracing about 800 acres, more or less, and being a considerable part of the battlefield of Gettysburg, and such other lands on the battlefield as the United States has heretofore acquired or shall hereafter acquire by purchase or condemnation proceedings, shall be designated and known as the “Gettysburg National Park.” Nothing contained in this section shall be deemed and held to prejudice the rights acquired by any State or by any military organization to the ground on which its monuments or markers are placed, nor the right-of-way to the same. It shall be the duty of the Secretary of the Interior to establish and enforce proper regulations for the custody, preservation, and care of the monuments erected or which may be hereafter erected within the limits of the said national military park; and such rules shall provide for convenient access by visitors to all such monuments within the park, and the ground included therein, on such days and within such hours as may be designated and authorized by the Secretary of the Interior. The Secretary of the Interior may lease the lands of the park at his discretion either to former owners or other persons for agricultural purposes, the proceeds to be applied by the Secretary of the Interior, through the proper disbursing officer, to the maintenance of the park.

(Feb. 11, 1895, ch. 80, 28 Stat. 651; June 4, 1897, ch. 2, §1, 30 Stat. 44; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 637.)

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which required the affairs of park to be subject to supervision and direction of Secretary of the Interior.

TRANSFER OF FUNCTIONS

Administrative functions of Gettysburg National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

ACQUISITION OF ADDITIONAL LANDS FOR GETTYSBURG NATIONAL MILITARY PARK; STUDY AND REPORT

Pub. L. 100-132, §2, Oct. 16, 1987, 101 Stat. 807, provided that:

“(a) ACQUISITION OF ADDITIONAL LANDS.—Except as provided in section 1 of this Act [16 U.S.C. 430g-3], until Congress receives the study under subsection (b), the Secretary of the Interior may not acquire by purchase, donation, exchange, or any other means any additional land for the Gettysburg National Military Park which is not within the boundaries of the 3,874 acre area depicted on the map dated July 25, 1974, numbered 305-92,004 and entitled ‘Gettysburg National Military Park’.

“(b) STUDY BY NATIONAL PARK SERVICE.—The Secretary of the Interior through the National Park Service shall conduct a boundary study and shall submit a report to Congress within one year of the date of enactment of this Act [Oct. 16, 1987], with recommendations with respect to the final development of the Gettysburg National Military Park. In conducting the study, the Secretary shall consult with the people of the community and their elected representatives at all levels as well as with other interested individuals and groups.”

§ 430g-1. Exchange of lands

For the purpose of consolidating Federal holdings of land within Gettysburg National Military Park, Pennsylvania, the Secretary of the Interior is authorized, in his discretion, to accept, on behalf of the United States, approximately four acres of non-Federal land within the park boundaries, such land to be conveyed to the United States without cost by the Evergreen Cemetery Association, of Gettysburg. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park. In exchange for the conveyance to the United States of the aforesaid property, the Secretary of the Interior is authorized to convey to the Evergreen Cemetery Association approximately one and one-quarter acres of federally owned land within the park, such property constituting a right-of-way through the Evergreen Cemetery property: *Provided*, That the aforesaid exchange shall be consummated only upon condition that the Secretary is satisfied that such exchange is in the public interest and that the properties to be exchanged are of approximately equal value.

(Jan. 31, 1948, ch. 41, 62 Stat. 16.)

§ 430g-2. Exchange of lands

The Secretary of the Interior is authorized to have competent and disinterested appraisals made as to the value of not more than twenty-three acres of land in Gettysburg National Military Park, in the State of Pennsylvania, such land lying generally between East Confederate Avenue and Wainwright Avenue, and being situated adjacent to the present high-school property in that area. Upon the basis of such ap-

praisals, the Secretary is authorized to convey such property for public-school purposes to the State of Pennsylvania, or the appropriate local agency thereof, the conveyance to be made in exchange for non-Federal land of approximately equal value, which land, upon acceptance by the United States, shall become a part of Gettysburg National Military Park.

(July 31, 1953, ch. 290, 67 Stat. 243.)

§ 430g-3. Donation of non-Federal lands

The Secretary of the Interior shall accept on behalf of the United States, the donation of approximately 31 acres of land known as the “Taney Farm” for administration as part of the Gettysburg National Military Park in Pennsylvania if such land is offered to be conveyed to the United States without cost to the United States by the Gettysburg Battlefield Preservation Association. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park.

(Pub. L. 100-132, §1, Oct. 16, 1987, 101 Stat. 807.)

§ 430g-4. Gettysburg National Military Park boundary revision**(a) Lands included in park**

In furtherance of the purposes of section 430g of this title, the Gettysburg National Military Park (hereafter in sections 430g-4 to 430g-10 of this title referred to as the “park”) shall on and after August 17, 1990, comprise the lands and interests in lands within the boundary generally depicted as “Park Boundary” on the map entitled “Gettysburg National Military Park Boundary Map”, numbered NPS 305/80034-B, and dated March 1990, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) Additional land

In addition to the land identified in subsection (a) of this section, the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02-1 on the map entitled “Gettysburg National Military Park” numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999.

(c) Lands excluded from park

Lands and interests in lands outside of the boundary so depicted as “Park Boundary” on the maps referred to in subsections (a) and (b) of this section are hereby excluded from the park and shall be disposed of in accordance with the provisions of section 430g-5(c) of this title.

(Pub. L. 101-377, §1, Aug. 17, 1990, 104 Stat. 464; Pub. L. 106-290, §1, Oct. 10, 2000, 114 Stat. 921.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-290, §1(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 106-290, §1(1), (3), redesignated subsec. (b) as (c) and substituted “maps referred to in subsections (a) and (b) of this section” for “map referred to in subsection (a) of this section”.

§ 430g-5. Acquisition and disposal of lands**(a) General authority**

The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise. In acquiring lands and interests in lands under sections 430g-4 to 430g-10 of this title, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives identified for specific areas and the park.

(b) Authority to convey freehold and leasehold interests within park

The Secretary may convey lands and interests in lands within the park authorized in accordance with subsection (a) of section 460l-22 of this title, except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance may be used, subject to appropriations, to acquire lands and interests within the park.

(c) Conveyance of lands excluded from park

(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 430g-4(c) of this title for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after August 17, 1990, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the park and the Gettysburg Battlefield Historic District (hereafter in sections 430g-5 to 430g-10 of this title referred to as the “historic district”). Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(d) Relinquishment of legislative jurisdiction to Pennsylvania

With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park pursuant to section 430g-4(c) of this title, the Secretary may relinquish to the State of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the State.

(Pub. L. 101-377, §2, Aug. 17, 1990, 104 Stat. 464; Pub. L. 106-290, §2, Oct. 10, 2000, 114 Stat. 921.)

REFERENCES IN TEXT

Section 460l-22 of this title, referred to in subsec. (b), was in the original “subsection (a) of the Act of July 15, 1968 (16 U.S.C. 460l-22)” and was translated as read-

ing subsection (a) of section 5 of the Act of July 15, 1968 (16 U.S.C. 460l-22) to reflect the probable intent of Congress.

AMENDMENTS

2000—Subsecs. (c)(1), (d). Pub. L. 106-290 substituted “430g-4(c)” for “430g-4(b)”.

§ 430g-6. Agreements with respect to monuments and tablets located outside park boundary

The Secretary is authorized to enter into agreements with the owners of property in proximity to but outside the boundary of the park on which historic monuments and tablets commemorating the Battle of Gettysburg have been erected on or before January 1, 1990. The Secretary may make funds available, subject to appropriations, for the maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. In addition, within the area depicted as the “Gettysburg Battlefield Historic District” on the map referred to in section 430g-4(a) of this title, or in proximity thereto, the Secretary may, with the consent of the owner, acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

(Pub. L. 101-377, §3, Aug. 17, 1990, 104 Stat. 465.)

§ 430g-7. Conservation within Gettysburg Battlefield historic district**(a) Encouragement of conservation**

The Secretary shall take appropriate action to encourage conservation of the historic district by landowners, local governments, organizations, and businesses.

(b) Prioritization of grants

Within the historic district, the Secretary shall give priority in making grants under section 101(d),¹ and in providing technical assistance, information, and advice under section 101(h),¹ of the National Historic Preservation Act (16 U.S.C. 470a(d), (h)) to those programs and activities in the historic district that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the district’s historic character.

(c) Provision of technical assistance

The Secretary may provide technical assistance to assist local governments in cooperative efforts which complement the values of the park and the historic district and to help landowners prepare individual property plans which meet landowner and conservation objectives in the historic district.

(d) Reimbursement of planning costs

The Secretary, under such terms and conditions as the Secretary may prescribe and at the request of any local or county government within the historic district, shall provide matching reimbursements for up to 50 percent of the planning costs incurred by such government in the development of comprehensive plans and land

¹ See References in Text note below.

use guidelines which are consistent with conserving the historic character of the historic district. Reimbursements may only be provided under this subsection to the extent or in such amounts as are provided in appropriation Acts.

(e) Acceptance of easement donations

The Secretary, upon recommendation from the Director of the National Park Service, in consultation with the Advisory Commission established under section 430g-8 of this title, is authorized to accept donations of conservation easements on land located within the historic district.

(f) Federal consistency

(1) Any Federal or federally assisted activity or undertaking in the historic district, shall be consistent to the maximum extent possible with the purposes of the preservation of the historic district, including its rural, agricultural, and town elements, and shall also comply with the National Historic Preservation Act [16 U.S.C. 470 et seq.] and other applicable laws.

(2) The head of any Federal agency (hereafter in this subsection referred to as the "agency") having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in the historic district, and the head of any Federal agency having authority to license or permit any undertaking in such area, shall at the earliest feasible date prepare a detailed analysis of any proposed action and submit it to the Secretary.

(3) The Secretary shall review the analysis and consult with the agency. If after such review and consultation, the Secretary finds that the proposed action is not consistent with the purposes identified in this subsection, the agency shall not proceed with the action until after a justification for the action has been submitted to the appropriate committees of Congress with adequate time allowed for Congressional comment. Such justification shall include the following elements: the anticipated effects on the historic and commemorative character of the historic district, the social and economic necessity for the proposed action, all possible alternatives to the proposed action, the comparative benefits of proposed alternative actions, and the mitigation measures outlined in the proposed action.

(Pub. L. 101-377, §4, Aug. 17, 1990, 104 Stat. 465.)

REFERENCES IN TEXT

Subsections (d) and (h) of section 101 of the National Historic Preservation Act, referred to in subsec. (b), were redesignated as subsecs. (e) and (i), respectively, of that section by Pub. L. 102-575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4755, and are classified to subsecs. (e) and (i), respectively, of section 470a of this title.

The National Historic Preservation Act, referred to in subsec. (f)(1), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470(a) of this title and Tables.

§ 430g-8. Advisory Commission

(a) Establishment

There is hereby established the Gettysburg National Military Park Advisory Commission

(hereafter in sections 430g-8 to 430g-10 of this title referred to as the "Advisory Commission"). The Advisory Commission shall be composed of eleven members, as follows:

(1) One member representing each of the local governments from the four townships surrounding the park and the Borough of Gettysburg, appointed by the Secretary.

(2) One member representing the Adams County, Pennsylvania government, appointed by the Secretary.

(3) One member representing the State Historic Preservation Office of the State of Pennsylvania, appointed by the Secretary.

(4) Two members who are residents of Adams County and who are knowledgeable about the park and its resources, appointed by the Secretary, one of whom shall own land or interests in land within the park boundary.

(5) One member with expertise in local historic preservation, appointed by the Secretary.

(6) The Director of the National Park Service or his designee, ex officio.

Members shall be appointed for staggered terms of three years, as designated by the Secretary at the time of the initial appointments. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairperson. Six members of the Advisory Commission shall constitute a quorum.

(b) Management and development issues

The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission to coordinate the management of the park and the historic district with local jurisdictions.

(c) Meetings

The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) Expenses

Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under sections 430g-4 to 430g-10 of this title on vouchers signed by the Chairperson.

(e) Charter

The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to this Advisory Commission.

(Pub. L. 101-377, §5, Aug. 17, 1990, 104 Stat. 466.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (e), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 430g-9. Interpretation

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the Battle of Gettysburg in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people.

(Pub. L. 101-377, §6, Aug. 17, 1990, 104 Stat. 467.)

§ 430g-10. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 430g-4 to 430g-10 of this title.

(Pub. L. 101-377, §7, Aug. 17, 1990, 104 Stat. 467.)

§ 430h. Vicksburg National Military Park

In order to commemorate the campaign, siege, and defense of Vicksburg, and to preserve the history of the battles and operations of the siege and defense on the ground where they were fought and carried on, the battlefield of Vicksburg, in the State of Mississippi, insofar as title to the same has been acquired by the United States and as the usual jurisdiction over the lands and roads of the same has heretofore been granted to the United States by the State of Mississippi, shall be a National Military Park. The Secretary of the Interior is authorized to enter into agreements of leasing upon such terms as he may prescribe with such persons, who were on February 21, 1899, occupants or tenants of the lands, as may desire to remain upon them to occupy and cultivate their holdings, upon condition that they will preserve the then buildings and roads and the then outlines of field and forest, and that they will only cut trees and underbrush under such regulations as the Secretary of the Interior may prescribe, and that they will assist in caring for and protecting all tablets, monuments, or such other historical works as may from time to time be erected by proper authority: *Provided*, That the United States shall at all times have and retain their right, power, and authority to take possession of any and all parts and portions of said premises, and to remove and expel therefrom any such occupant, tenant, or other person or persons found thereon whenever the Secretary of the Interior shall deem it proper or necessary; and such right, power, and authority shall be reserved in express terms in all leases and agreements giving or granting such occupant or tenant the right to remain in possession as herein contemplated; and thereupon said occupant or tenant or other persons who may be required to vacate said premises shall each and all of them at once surrender and deliver up the possession thereof. It shall be the duty of the Secretary of the Interior to cause to be restored the forts and lines of fortification, the parallels and the approaches of the two armies, or so much thereof as may be necessary to the purposes of this Park; to open and construct and repair such roads as may be necessary to said purposes, and to ascertain and to mark with historical tablets, or otherwise, the lines of battle of the troops engaged in the assaults, and the lines held by the

troops during the siege and defense of Vicksburg, the headquarters of General Grant and of General Pemberton, and other historical points of interest pertaining to the siege and defense of Vicksburg within the Park or its vicinity; and the Secretary of the Interior shall have authority to do all things necessary to the purposes of the park, and he shall make and enforce all needful regulations for the care of the Park. It shall be lawful for any State that had troops engaged in the siege and defense of Vicksburg to enter upon the lands of the Vicksburg National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to and approved by the Secretary of the Interior, and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior; and no monument, tablet, or other designating indication shall be erected or placed within said park or vicinity without such written authority of the Secretary of the Interior: *Provided*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State. The provisions of this section shall also apply to organizations and persons; and as the Vicksburg National Cemetery is on ground partly occupied by Federal lines during the siege of Vicksburg, the provisions of this section, as far as may be practicable, shall apply to monuments or tablets designating such lines within the limits of that cemetery. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, tablet, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work intended for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrub that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles, on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States magistrate judge or court, justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine in the discretion of the said magistrate judge or court of the United States or justice of the peace, according to the aggravation of the offense, of not less than five nor more than five hundred dollars, one-half for the use of the park and the other half to the informant, to be enforced and recovered before such United States magistrate judge or court or justice of the peace

or other court in like manner as debts of like nature were, on February 21, 1899, by law recoverable in the several counties where the offense may be committed.

(Feb. 21, 1899, ch. 176, 30 Stat. 841; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 638; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions relating to appointment and pay of three commissioners to supervise Vicksburg National Military Park, and of a secretary.

CHANGE OF NAME

“United States magistrate judge” and “magistrate judge” substituted for “United States magistrate” and “magistrate”, respectively, wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrate” substituted for “commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-238, §1, Oct. 11, 2002, 116 Stat. 1486, provided that: “This Act [enacting sections 430h-10 to 430h-13 of this title] may be cited as the ‘Vicksburg National Military Park Boundary Modification Act of 2002.’”

TRANSFER OF FUNCTIONS

Administrative functions of Vicksburg National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

§ 430h-1. Donations of land and property

The Secretary of the Interior is authorized, in his discretion, to accept, in behalf of the United States, donations of lands, buildings, structures, and other property, or interests therein, within a distance of one mile of the present boundaries of the Vicksburg National Military Park, which he may determine to be of historical interest in connection with said park, the title to such property or interests therein to be satisfactory to the Secretary of the Interior.

All such property or interests therein, upon acceptance thereof, shall become a part of the Vicksburg National Military Park and shall be subject to all laws and regulations applicable thereto.

(Oct. 9, 1940, ch. 790, 54 Stat. 1061.)

§ 430h-2. Exchange of certain lands authorized

In order to further the consolidation of land comprising Vicksburg National Military Park, the Secretary of the Interior is authorized, upon such terms and conditions as he may deem necessary, to transfer to the city of Vicksburg, Mississippi, for school purposes, a tract of park land containing three and one-tenth acres, more or less, now under revocable permit to said city,

acting through its board of education, and to transfer to the Mississippi State Highway Commission a tract of park land containing one and thirty-two hundredths acres, more or less, now under revocable permit to said commission for use as a site for a weighing station: *Provided*, That, from among the land designated as tracts 199, 201, 202, 203, 204, 205, 206, and 216 on map Numbered NMP-VIC-7007, said city and highway commission shall transfer in exchange to the United States, for addition to Vicksburg National Military Park, such land or interests therein as may be mutually agreed upon and which are approximately equal in value to the properties being acquired in each case.

(Pub. L. 85-667, Aug. 14, 1958, 72 Stat. 617.)

§ 430h-3. Consolidation of lands and installation of park tour road

In order to preserve and protect the essential historical features of Vicksburg National Military Park in the State of Mississippi and to enhance visitor enjoyment and safety by means of a park tour road and through the consolidation of park lands, the Secretary of the Interior is authorized, in his discretion, and under such terms and conditions as he determines are in the public interest—

(a) Disposition of lands and roads; incorporation into municipal road system; reversion on failure of conditions; reservation of title to monuments and easements

to quitclaim to the city of Vicksburg, Mississippi, approximately one hundred and fifty-four acres of land, including the roads thereon and the park land abutting said roads, in exchange for the city's agreeing to place the roads in its road system and thereby assume jurisdiction and maintenance thereof, and upon the further agreement of the city to maintain the parklike character of so much of the parkland conveyed to it and abutting the road as the Secretary may prescribe, said land being generally that part of Vicksburg National Military Park lying south of Fort Garrott with the exception of Navy Circle, South Fort, and Louisiana Circle: *Provided*, That title to so much of said abutting park land prescribed by the Secretary and covered by said agreement of the city to maintain the parklike character thereof shall revert to the United States if its parklike character is not maintained; to quitclaim to Warren County, Mississippi, upon like terms and conditions approximately twenty-four acres of land, including the road and abutting park land, being known as Sherman Avenue and the Sherman Avenue spur; to release or quitclaim to Warren County or any other appropriate political subdivision of the State all interest which the United States of America has, if any, in those portions of any public road located on park land which are no longer required for park purposes: *Provided*, That the United States shall reserve from the conveyance or conveyances made pursuant to this subsection title to all historical monuments, means of access thereto, and such other easements as the Secretary determines are required for the continued administration of said monuments as a part of Vicksburg National Military Park; and

(b) Acquisition of lands: purchases, condemnations and donations

to acquire not in excess of five hundred and forty-four acres of land, or interests in land, for addition to Vicksburg National Military Park, such authority to include purchase and condemnation with appropriated funds but not to constitute a limitation upon existing authority to accept donations; and

(c) Municipal agreements of park tour road's effect upon local road systems; Federal obligations for local roads directly attributable to installation of park tour road

to enter into agreements with duly authorized officials of the City of Vicksburg and Warren County relative to the effect which the installation of a one-way park tour road with controlled access will have upon the existing local road systems; subject to the availability of funds, to obligate the United States to make provisions for such alterations, relocations and construction of local roads, including procurement of rights-of-way therefor and the subsequent transfer thereof to the State or its appropriate political subdivisions which shall thereupon assume jurisdiction and maintenance, as the Secretary and said officials agree are directly attributable to the installation of the park tour road; and to transfer to the city or county jurisdiction and maintenance of service roads which the Secretary constructs on park lands to properties that otherwise would be denied access because of the installation of the park tour road.

The Secretary of the Interior shall not, without first obtaining the consent of the city and county officials referred to in subsection (c), convert the portion of the existing road known as Confederate Avenue lying between Graveyard Road and Fort Garrott into a one-way park tour road with controlled access, or otherwise limit the use of such portion by local traffic, until the United States has provided for such alterations, relocations, and construction of local roads (including procurement of rights-of-way) as the Secretary and said officials agree are directly attributable to the installation of such park tour road.

(Pub. L. 88-37, §1, June 4, 1963, 77 Stat. 55.)

§ 430h-4. Jurisdiction over lands and roads

Upon the delivery and acceptance of the conveyances herein authorized, any jurisdiction heretofore ceded to the United States by the State of Mississippi over the lands and roads transferred shall thereby cease and thereafter rest in the State of Mississippi.

(Pub. L. 88-37, §2, June 4, 1963, 77 Stat. 56.)

§ 430h-5. Authorization of appropriations

There are hereby authorized to be appropriated such sums, but not more than \$3,850,000, as are required for acquisition of lands and interests in lands and for construction and relocation of roads pursuant to sections 430h-3 to 430h-5 of this title.

(Pub. L. 88-37, §3, June 4, 1963, 77 Stat. 56; Pub. L. 94-578, title II, §201(8), Oct. 21, 1976, 90 Stat. 2733.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “\$3,850,000” for “\$2,050,000”.

§ 430h-6. Addition of lands to Vicksburg National Military Park

(a) Grant's Canal, Louisiana

The Secretary of the Interior (hereinafter in sections 430h-6 to 430h-9 of this title referred to as the “Secretary”) is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds, approximately two and five-tenths acres of land in Madison Parish, Louisiana, known generally as the Grant's Canal property.

(b) Warren County, Mississippi

(1) The Secretary is authorized to acquire by donation approximately two and eighty-two one-hundredths acres of land adjacent to the entrance of Vicksburg National Military Park owned by Warren County, Mississippi.

(2) The Secretary may contribute, in cash or services, to the relocation and construction of a maintenance facility to replace the facility located on the land to be donated, all in accordance with an agreement between the Secretary and the Board of Supervisors.

(3) The Secretary is authorized to restore and landscape the property acquired pursuant to this subsection.

(c) Boundary revision

Upon acquisition of the properties referred to in subsections (a) and (b) of this section, the Secretary shall, after the publication of notice in the Federal Register, revise the boundary of Vicksburg National Military Park (hereinafter in sections 430h-6 to 430h-9 of this title referred to as the “park”) to reflect the inclusion of such properties within the park.

(Pub. L. 101-442, title I, §101, Oct. 18, 1990, 104 Stat. 1019.)

§ 430h-7. Exclusion of lands from park

(a) Exclusion of certain lands

The park boundary is hereby revised to exclude those lands depicted as “Proposed Deletions” on the map entitled “Vicksburg National Military Park” numbered 306-80,007 and dated May 1990, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Exclusive jurisdiction over the lands excluded from the park is hereby retroceded to the State of Mississippi.

(b) Transfer to adjacent owners

(1) For a period ending four years after October 18, 1990, and subject to the provisions of paragraph (2), the Secretary is authorized to convey title to all or part of the lands referred to in subsection (a) of this section to an owner of property adjacent to such lands, upon the application of such owner.

(2) No property shall be conveyed unless the application referred to in paragraph (1) is accompanied by a payment in an amount equal to—

(A) the fair market value of the land to be conveyed; and

(B) the administrative costs of such transfer incurred by the Secretary, including the costs of surveys, appraisals, and filing and recording fees.

(c) Excess property

Any lands not conveyed pursuant to subsection (b) of this section shall be reported to the Administrator of General Services as excess to the needs of the Department of the Interior and shall be subject to transfer or disposition in accordance with 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.

(Pub. L. 101-442, title I, §102, Oct. 18, 1990, 104 Stat. 1019.)

CODIFICATION

In subsec. (c), “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, 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.

§ 430h-8. Park interpretation

In administering Vicksburg National Military Park, the Secretary shall interpret the campaign and siege of Vicksburg from April 1862 to July 4, 1863, and the history of Vicksburg under Union occupation during the Civil War and Reconstruction.

(Pub. L. 101-442, title I, §103, Oct. 18, 1990, 104 Stat. 1020.)

§ 430h-9. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 430h-6 to 430h-9 of this title.

(Pub. L. 101-442, title I, §104, Oct. 18, 1990, 104 Stat. 1020.)

§ 430h-10. Boundary modification

The boundary of Vicksburg National Military Park is modified to include the property known as Pemberton’s Headquarters, as generally depicted on the map entitled “Boundary Map, Pemberton’s Headquarters at Vicksburg National Military Park”, numbered 306/80015A, and dated August, 2001. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(Pub. L. 107-238, §2, Oct. 11, 2002, 116 Stat. 1486.)

§ 430h-11. Acquisition of property

(a) Pemberton’s Headquarters

The Secretary of the Interior is authorized to acquire the properties described in section 430h-10 of this title and subsection (b) of this section by purchase, donation, or exchange, except that each property may only be acquired with the consent of the owner thereof.

(b) Parking

The Secretary is also authorized to acquire not more than one acre of land, or interest

therein, adjacent to or near Pemberton’s Headquarters for the purpose of providing parking and other facilities related to the operation of Pemberton’s Headquarters. Upon the acquisition of the property referenced in this subsection, the Secretary shall add the property to Vicksburg National Military Park and shall modify the boundaries of the park to reflect its inclusion.

(Pub. L. 107-238, §3, Oct. 11, 2002, 116 Stat. 1486; Pub. L. 108-352, §15, Oct. 21, 2004, 118 Stat. 1397.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-352 substituted “the Secretary shall add the property” for “the Secretary add it”.

§ 430h-12. Administration

The Secretary shall administer any properties acquired under sections 430h-10 to 430h-13 of this title as part of the Vicksburg National Military Park in accordance with applicable laws and regulations.

(Pub. L. 107-238, §4, Oct. 11, 2002, 116 Stat. 1486.)

§ 430h-13. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out sections 430h-10 to 430h-13 of this title.

(Pub. L. 107-238, §5, Oct. 11, 2002, 116 Stat. 1487.)

§ 430i. Guilford Courthouse National Military Park

In order to preserve for historical and professional military study one of the most memorable battles of the Revolutionary War, the Battlefield of Guilford Courthouse, in the State of North Carolina, containing in the aggregate 125 acres, more or less, together with all privileges and appurtenances thereunto belonging, title to which has heretofore been acquired by the United States, shall be a national military park and shall be known as the Guilford Courthouse National Military Park. The Secretary of the Interior is authorized and directed to acquire at such times and in such manner such additional lands adjacent to the Guilford Courthouse National Military Park as may be necessary for the purposes of the park and for its improvement. It shall be the duty of the Secretary of the Interior, to open or repair such roads as may be necessary to the purposes of the park, and to ascertain and mark with historical tablets or otherwise, as the Secretary of the Interior may determine, all lines of battle of the troops engaged in the Battle of Guilford Courthouse and other historical points of interest pertaining to the battle within the park or its vicinity; and the Secretary of the Interior shall make and enforce all needed regulations for the care of the park. It shall be lawful for any State that had troops engaged in the battle of Guilford Courthouse to enter upon the lands of the Guilford Courthouse National Military Park for the purpose of ascertaining and marking the lines of battle of its troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them, by monuments,

tablets, or otherwise, shall be submitted to and approved by the Secretary of the Interior; and all such lines, designs, and inscriptions for the same shall first receive the written approval of the Secretary of the Interior. If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statues, memorial structures, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornamentation of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, brush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon said park, or hunt within the limits of the park, any person so offending and found guilty thereof before any justice of the peace of the county of Guilford, State of North Carolina, shall, for each and every such offense, forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were on March 2, 1917, by law recoverable in the said county of Guilford, State of North Carolina.

(Mar. 2, 1917, ch. 152, 39 Stat. 996; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 643.)

AMENDMENTS

1966—Pub. L. 89-554 struck out provisions which required the affairs of park, subject to supervision and direction of Secretary of the Interior, to be in charge of three commissioners.

TRANSFER OF FUNCTIONS

Administrative functions of Guilford Courthouse National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, §1, 48 Stat. 389.

ABOLITION OF COMMISSION

Act Oct. 9, 1942, ch. 583, 56 Stat. 778, provided: "That the Guilford Courthouse National Military Park Commission, established pursuant to the Act of March 2, 1917 (39 Stat. 996; 16 U.S.C. 430i), is abolished effective at the expiration, on October 13, 1941, of the current appointment of the resident commissioner."

§ 430j. Monocacy National Battlefield; establishment

That in order to commemorate the Battle of Monocacy, Maryland, and to preserve for historical purposes the breastworks, earthworks, walls, or other defenses or shelters used by the armies therein, the battlefield at Monocacy in the State of Maryland is hereby established as the Monocacy National Battlefield. The battlefield shall comprise the area within the bound-

ary generally depicted on the map entitled "Monocacy National Battlefield," numbered 894/40,001A, and dated April 1980, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(June 21, 1934, ch. 694, §1, 48 Stat. 1198; Pub. L. 94-578, title III, §319(1), Oct. 21, 1976, 90 Stat. 2738; Pub. L. 96-607, title XIV, §140(a), Dec. 28, 1980, 94 Stat. 3546.)

AMENDMENTS

1980—Pub. L. 96-607 substituted provision directing that the battlefield be comprised of the area within the boundary generally depicted on the map entitled Monocacy National Battlefield, numbered 894/40,001A, dated April 1980, which map is to be on file and available for public inspection for provision directing that the battlefield be comprised of the area generally depicted on the drawing entitled Boundary, Monocacy National Battlefield, numbered 894-40,000, dated May 1976.

1976—Pub. L. 94-578 substituted "is declared a national battlefield to be known as the 'Monocacy National Battlefield' (hereinafter referred to as 'the battlefield'). The battlefield shall comprise the area generally depicted on the drawing entitled 'Boundary, Monocacy National Battlefield', numbered 894-40,000 and dated May 1976" for "is declared a national military park to be known as the 'Monocacy National Military Park', whenever the title to the lands deemed necessary by the Secretary of the Interior shall have been acquired by the United States and the usual jurisdiction over the lands and roads of the same shall have been granted to the United States by the State of Maryland".

§ 430k. Condemnation proceedings; purchase without condemnation; acceptance of donations of land

The Secretary of the Interior is authorized to cause condemnation proceedings to be instituted in the name of the United States under the provisions of section 3113 of title 40, to acquire title to the lands, interests therein, or rights pertaining thereto within the said battlefield, and the United States shall be entitled to immediate possession upon the filing of the petition in condemnation in the United States District Court for the District of Maryland: *Provided*, That when the owner of such lands, interests therein, or rights pertaining thereto shall fix a price for the same, which, in the opinion of the Secretary of the Interior, shall be reasonable, the Secretary may purchase the same without further delay: *Provided further*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of lands, interests therein, or rights pertaining thereto required for the battlefield: *And provided further*, That title and evidence of title to lands and interests therein acquired for said battlefield shall be satisfactory to the Secretary of the Interior.

(June 21, 1934, ch. 694, §2, 48 Stat. 1199; Pub. L. 94-578, title III, §319(2), Oct. 21, 1976, 90 Stat. 2738.)

CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888, entitled 'An Act to authorize condemnation of lands for sites for public buildings and for other purposes' (25 Stat.L. 357)" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first sec-

tion of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1976—Pub. L. 94-578 substituted “battlefield” for “Monocacy National Military Park” wherever appearing.

CHANGE OF NAME

“Battlefield” substituted in text for “park” in view of redesignation of Monocacy National Military Park as Monocacy National Battlefield by Pub. L. 94-578, §319(1), set out as section 430j of this title.

§ 430l. Leases with preceding owners of acquired lands; conditions

The Secretary of the Interior is authorized to lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of sections 430j to 430m and 430o to 430s of this title and that they will preserve the present breastworks, earthworks, walls, defenses, shelters, buildings, and roads, and the present outlines of the battlefields, and that they will only cut trees or underbrush or disturb or remove the soil, under such regulations as the Secretary of the Interior may prescribe, and that they will assist in protecting all tablets, monuments, or such other artificial works as may from time to time be erected by proper authority.

(June 21, 1934, ch. 694, §3, 48 Stat. 1199; Pub. L. 94-578, title III, §319(3), Oct. 21, 1976, 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “lease to the immediately preceding owner or owners any lands acquired pursuant to an agreement that such lessee or lessees will occupy such lands in a manner consistent with the purposes of sections 430j to 430m and 430o to 430s of this title and” for “enter into leases with the owners of such of the lands, works, defenses, and buildings thereon within the Monocacy National Military Park, as in his discretion it is unnecessary to forthwith acquire title to, and such leases shall be on such terms and conditions as the Secretary of the Interior may prescribe, and may contain options to purchase, subject to later acceptance, if, in the judgment of the Secretary of the Interior, it is as economical to purchase as condemn title to the property: *Provided*, That the Secretary of the Interior may enter into agreements upon such nominal terms as he may prescribe, permitting the present owners or their tenants to occupy or cultivate their present holdings, upon condition”.

§ 430m. Administration

The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(June 21, 1934, ch. 694, §4, 48 Stat. 1199; Pub. L. 94-578, title III, §319(4), Oct. 21, 1976, 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “The administration, development, preservation, and maintenance of the battlefield shall be exercised by the Secretary of the Interior in accordance with sections 1, 2, 3, and 4 of this

title, as amended and supplemented, and sections 461 to 467 of this title” for “The affairs of the Monocacy National Military Park shall, subject to the supervision and direction of the National Park Service of the Interior Department, be in charge of a superintendent, to be appointed by the Secretary of the Interior”.

§ 430n. Repealed. Pub. L. 94-578, title III, § 319(5), Oct. 21, 1976, 90 Stat. 2738

Section, act June 21, 1934, ch. 694, §5, 48 Stat. 1199, provided for opening and repair of necessary roads in battlefield and erection of historical tablets.

§ 430o. Gifts and donations; acceptance by Secretary

The Secretary of the Interior,¹ is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the battlefield for carrying out the provisions of sections 430j to 430m and 430o to 430s of this title.

(June 21, 1934, ch. 694, §6, 48 Stat. 1199; Pub. L. 94-578, title III, §319(6), Oct. 21, 1976, 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “The Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the battlefield” for “The National Park Service, acting through the Secretary of the Interior, is authorized to receive gifts and contributions from States, Territories, societies, organizations, and individuals for the Monocacy National Military Park: *Provided*, That all contributions of money received shall be deposited in the Treasury of the United States and credited to a fund to be designated ‘Monocacy National Military Park fund’, which fund shall be applied to and expended under the direction of the Secretary of the Interior.”.

§ 430p. Right of States to enter and mark battle lines

It shall be lawful for the authorities of any State having had troops at the Battle of Monocacy to enter upon the lands and approaches of the battlefield for the purpose of ascertaining and marking the line of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise, including the design and inscription for the same, shall be submitted to the Secretary of the Interior and shall first receive written approval of the Secretary: *Provided further*, That no discrimination shall be made against any State as to the manner of designating lines, but any grant made to any State by the Secretary of the Interior may be used by any other State.

(June 21, 1934, ch. 694, §7, 48 Stat. 1200; Pub. L. 94-578, title III, §319(7), Oct. 21, 1976, 90 Stat. 2738.)

AMENDMENTS

1976—Pub. L. 94-578 substituted “battlefield” for “Monocacy National Military Park” and “: *Provided further*,” for “, which approval shall be based upon formal written reports to be made to him in each case by the National Park Service: *Provided*,”.

¹ So in original. The comma probably should not appear.

§ 430q. Offenses

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, enclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof, before any United States magistrate judge or court, of the jurisdiction in which the offense may be committed, shall for each and every such offense forfeit and pay a fine, in the discretion of the United States magistrate judge or court, according to the aggravation of the offense.

(June 21, 1934, ch. 694, § 8, 48 Stat. 1200; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 94-578, title III, § 319(8), Oct. 21, 1976, 90 Stat. 2739; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

AMENDMENTS

1976—Pub. L. 94-578 struck out provisions which limited fines to not less than \$5 nor more than \$500.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” wherever appearing in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 430r. Rules and regulations

The Secretary of the Interior shall have the power to make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

(June 21, 1934, ch. 694, § 9, 48 Stat. 1200.)

§ 430s. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary, but not more than \$3,525,000 for the acquisition of lands and interests in lands, and not to exceed \$500,000 for the development of essential public facilities. Within three years from October 21, 1976, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the battlefield consistent with the preservation objectives of sections 430j to 430m and 430o to 430s of this title, indicating:

(1) the facilities needed to accommodate the health, safety, and interpretive needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the battlefield.

No funds authorized to be appropriated pursuant to this section shall be available prior to October 1, 1977.

(June 21, 1934, ch. 694, § 10, 48 Stat. 1200; Pub. L. 94-578, title III, § 319(9), Oct. 21, 1976, 90 Stat. 2739.)

AMENDMENTS

1976—Pub. L. 94-578 substituting provisions authorizing appropriations of not more than \$3,525,000 for the acquisition of lands and interests in lands, and not to exceed \$500,000 for development of essential public facilities for provisions which authorized appropriation of \$50,000 to carry out sections 430j to 430m and 430o to 430s of this title and inserted provisions for development and transmittal within three years from Oct. 21, 1976, of a final master plan for full development of the battlefield.

CHANGE OF NAME

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.

AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAND ACQUISITION

Pub. L. 102-202, § 1, Dec. 10, 1991, 105 Stat. 1634, provided that: “There are authorized to be appropriated up to \$20,000,000 for acquisition [sic] of lands and interests in lands for purposes of the Monocacy National Battlefield, Maryland; such sums shall be in addition to other funds available for such purposes.”

§ 430t. Kennesaw Mountain National Battlefield Park; establishment

When title to all the lands, structures, and other property within the military battlefield area and other areas of Civil War interest at and in the vicinity of Kennesaw Mountain in the State of Georgia, as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national battlefield park purposes, shall have been vested in the United States, such areas shall be, and they are, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the “Kennesaw Mountain National Battlefield Park.”

(June 26, 1935, ch. 315, § 1, 49 Stat. 423.)

§ 430u. Donations of land; purchase and condemnation

The Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of said national battlefield park

as determined and fixed hereunder, the title and evidence of title to lands purchased to be satisfactory to the Secretary of the Interior: *Provided*, That under such funds available therefor he may acquire on behalf of the United States by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of section 3113 of title 40, such tracts of land within the said national battlefield park as may be necessary for the completion thereof.

(June 26, 1935, ch. 315, § 2, 49 Stat. 423.)

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888” 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.

§ 430v. Monuments and memorials; regulations; historical markers

Upon creation of the national battlefield park the Secretary of the Interior shall—

(a) Allow monuments and memorials to be erected in the park by and to the various organizations and individuals of either the Union or Confederate Armies, subject to the written approval of said Secretary as to the location and character of such monuments and memorials.

(b) Make such regulations as are necessary from time to time for the care and protection of the park. Any person violating such regulations shall be guilty of an offense punishable by a fine of not more than \$500, or imprisonment not exceeding six months, or both.

(c) Provide for the ascertainment and marking of the route of march of the Union and Confederate Armies from Chattanooga, Tennessee, through Georgia, and of principal battle lines, breastworks, fortifications, and other historical features along such route, and for the maintenance of such markers to such extent as deemed advisable and practicable.

(June 26, 1935, ch. 315, § 3, 49 Stat. 423.)

§ 430w. Administration, protection, and development

The administration, protection, and development of the aforesaid national battlefield park shall be exercised under the direction of the Secretary of the Interior by the National Park Service subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(June 26, 1935, ch. 315, § 4, 49 Stat. 424.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 430x. Authorization of appropriations; authorization to expand boundaries

The sum of \$100,000 is authorized to be appropriated out of any sums in the Treasury not otherwise appropriated for the purposes herein

designated: *Provided*, That if, after the expenditure of the funds herein authorized, the Secretary of the Interior shall determine that the acquisition of additional lands is necessary in order to perfect the symmetry of the park area or to acquire locations of historic interest adjacent to the park area already acquired upon which fortifications or entrenchments are located which are likely to deteriorate or be destroyed under private ownership, he is authorized to acquire additional lands for such purposes.

(June 26, 1935, ch. 315, § 5, 49 Stat. 424; Aug. 9, 1939, ch. 614, § 1, 53 Stat. 1274.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 26, 1935, ch. 315, 49 Stat. 423, which is classified to sections 430t to 430x of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1939—Act Aug. 9, 1939, inserted proviso.

APPROPRIATION

Additional \$55,000 was appropriated by section 2 of act Aug. 9, 1939.

§ 430y. Spanish War Memorial Park; establishment

When title to such lands located on Davis Island in the city of Tampa, Florida, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said area shall be set apart as the Spanish War Memorial Park, for the benefit and inspiration of the people: *Provided*, That said lands shall be donated without cost to the United States by the city of Tampa, Florida, and the Secretary of the Interior is authorized to accept such conveyance of lands.

(Aug. 20, 1935, ch. 575, § 1, 49 Stat. 661.)

§ 430z. Monument within park; construction authorized

There is authorized to be located and constructed within said memorial park a suitable monument or memorial to commemorate the patriotic services of the American forces in the War with Spain. The cost of establishing such monument or memorial, of constructing suitable sidewalks and approaches, and of landscaping such site, may be paid from any fund or moneys available for such purpose, except from the general fund of the Treasury; and the Secretary is for that purpose further authorized and empowered to determine upon a suitable location, plan, and design for said monument or memorial, by and with the advice of the National Commission of Fine Arts.

(Aug. 20, 1935, ch. 575, § 2, 49 Stat. 661.)

§ 430z-1. Landscaping park; employment of architects and engineers

In the discharge of his duties hereunder, the Secretary of the Interior, through the National Park Service, is authorized to employ, in his

discretion, by contract or otherwise, landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions and that expenditures for such employment shall be construed to be included in any appropriations hereafter authorized for any work under the objectives of sections 430y to 430z-3 of this title.

(Aug. 20, 1935, ch. 575, § 3, 49 Stat. 662.)

CODIFICATION

Provisions which authorized employment of landscape architects, architects, artists, engineers, and/or other expert consultants in accordance with the usual customs of the several professions "without reference to civil-service requirements or to the Classification Act of 1923, as amended" were omitted as obsolete. Such employment is subject to the civil service laws unless specifically excepted by those laws or by laws enacted subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, § 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

As to the compensation of such personnel, sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 430z-2. Memorials within park; erection authorized

The Secretary of the Interior is further authorized, by and with the advice of the National Commission of Fine Arts, to authorize and permit the erection in said memorial park of suitable memorials in harmony with the monument and/or memorial herein authorized that may be desired to be constructed by Spanish War organizations, States, and/or foreign governments: *Provided*, That the design and location of such memorials must be approved by the Secretary of the Interior, by and with the advice of the National Commission of Fine Arts, before construction is undertaken.

(Aug. 20, 1935, ch. 575, § 4, 49 Stat. 662.)

§ 430z-3. Administration, protection, and development

The administration, protection, and development of the aforesaid Spanish War Memorial Park, including any and all memorials that may be erected thereon, shall be exercised under the direction of the Secretary of the Interior by the National Park Service.

(Aug. 20, 1935, ch. 575, § 5, 49 Stat. 662.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

§ 430aa. Pea Ridge National Military Park; establishment

When not less than one thousand two hundred acres of the non-Federal lands hereinafter described (together with improvements thereon) and known as the Pea Ridge Battlefield, near Bentonville, Arkansas, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such areas shall be, and are hereby, dedicated and set apart as a unit of the National Park System for the benefit and enjoyment of the people of the United States, under the name of the Pea Ridge National Military Park.

(July 20, 1956, ch. 653, § 1, 70 Stat. 592.)

§ 430bb. Determination of desirable areas

The Secretary of the Interior is authorized and directed to make an examination of the Pea Ridge Battlefield with a view to determining the area or areas thereof deemed desirable for inclusion in the Pea Ridge National Military Park and which—except for not more than twenty acres of any other lands adjacent to such battlefield found by the Secretary to be necessary to carry out the provisions of sections 430aa to 430ee of this title—lie within the lands particularly described as follows: sections 17, 18, 19, 20, 29, 30, 31, 32, and 33, all township 21 north, range 28 west, Fifth principal meridian; sections 4, 5, 6, 7, and 8, all township 20 north, range 28 west, Fifth principal meridian; sections 13, 14, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, all township 21 north, range 29 west, Fifth principal meridian; and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, all township 20 north, range 29 west, Fifth principal meridian.

(July 20, 1956, ch. 653, § 2, 70 Stat. 592.)

§ 430cc. Administration, protection, and development; improvements

(a) The National Park Service under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(July 20, 1956, ch. 653, § 3, 70 Stat. 593.)

§ 430dd. Dedication

Sections 430aa to 430ee of this title shall become effective if and when the requirements of sections 430aa and 430bb of this title shall have

been fully complied with to the satisfaction of the President of the United States, who shall then issue a notice declaring that the requirements herein have been met, and said notice shall formally dedicate and set aside the areas transferred to the United States in accordance with the provisions of section 430aa of this title.

(July 20, 1956, ch. 653, § 4, 70 Stat. 593.)

§ 430ee. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 430aa to 430ee of this title.

(July 20, 1956, ch. 653, § 5, 70 Stat. 593.)

§ 430ff. Horseshoe Bend National Military Park; establishment

When not less than five hundred acres of the non-Federal lands hereinafter described (together with improvements thereon) and known as the Horseshoe Bend Battle Ground on the Tallapoosa River, in the State of Alabama, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such areas shall be, and are hereby, dedicated and set apart as a unit of the National Park System for the benefit and enjoyment of the people of the United States, under the name of the Horseshoe Bend National Military Park.

(July 25, 1956, ch. 729, § 1, 70 Stat. 651.)

§ 430gg. Determination of desirable areas

The Secretary of the Interior is authorized and directed to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park and which, except for not more than twenty acres of any other lands adjacent to such battleground found by the Secretary to be necessary to carry out the provisions of sections 430ff to 430jj of this title, lie within the lands particularly described as follows: Sections 13, 14, 15, 22, and 23, all township 23 north, range 23 east, Saint Stephens meridian.

(July 25, 1956, ch. 729, § 2, 70 Stat. 651.)

§ 430hh. Administration, protection, and development; improvements

(a) The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(b) In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(July 25, 1956, ch. 729, § 3, 70 Stat. 651.)

§ 430ii. Dedication

Sections 430ff to 430jj of this title shall become effective if and when the requirements of sec-

tions 430ff and 430gg of this title shall have been fully complied with to the satisfaction of the President of the United States, who shall then issue a notice declaring that the requirements herein have been met, and said notice shall formally dedicate and set aside the areas transferred to the United States in accordance with the provisions of section 430ff of this title.

(July 25, 1956, ch. 729, § 4, 70 Stat. 651.)

PROC. NO. 3308. ESTABLISHMENT OF PARK

Proc. No. 3308, Aug. 11, 1959, 24 F.R. 6607, provided: WHEREAS the battle of Horseshoe Bend, fought on March 27, 1814, on the Tallapoosa River in Alabama, resulted in a decisive victory for the forces of General Andrew Jackson over a strong body of Creek Indians and broke the power of the Creek Confederacy; and

WHEREAS this significant historic event on the Indian border opened the way for settlement in Alabama and other parts of the old Southwest; and

WHEREAS section 1 of an act approved July 25, 1956 (70 Stat. 651) [section 430ff of this title], provides that when not less than five hundred acres of non-Federal lands (together with improvements thereon), known as the Horseshoe Bend Battle Ground, shall have been acquired and transferred free and clear of all encumbrances to the United States without expense to the Federal Government, such area shall be dedicated and set apart as the Horseshoe Bend National Military Park; and

WHEREAS section 2 of that act [section 430gg of this title] authorizes and directs the Secretary of the Interior to make an examination of the Horseshoe Bend Battle Ground with a view to determining the area or areas thereof deemed desirable for inclusion in the Horseshoe Bend National Military Park; and

WHEREAS the Secretary of the Interior on June 11, 1957, approved a map showing an area of 2,040 acres on the Horseshoe Bend Battle Ground as being desirable for inclusion in the Horseshoe Bend National Military Park, and such land was donated to, and accepted on behalf of, the United States of America on April 24, 1959; and

WHEREAS the requirements of sections 1 and 2 of the act of July 25, 1956 (70 Stat. 651) [sections 430ff and 430gg of this title], have been fully complied with:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 4 of the above-mentioned act of July 25, 1956 [this section], do hereby dedicate and set aside the following-described lands in Tallapoosa County, Alabama, as the Horseshoe Bend National Military Park:

Northeast quarter (NE¹/₄), northeast quarter of northwest quarter (NE¹/₄ of NW¹/₄), northeast quarter of southeast quarter (NE¹/₄ of SE¹/₄), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in said section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of the said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly

described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15 township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above described lands contain 560.66 acres, more or less.

Section 14, township 23 north, range 23 east; west half of northwest quarter and northeast quarter of northwest quarter of section 23, township 23 north, range 23 east; section 15 and section 22, township 23 north, range 23 east, less and except the following described parts of said sections 15 and 22, township 23 north, range 23 east, known as Alabama Power Company lands, described as follows: Northeast quarter (NE $\frac{1}{4}$), northeast quarter of northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), northeast quarter of southeast quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), fractions A, B, C and E of section 15; fractions B, D, and E of section 22; all in township 23 north, range 23 east; also one-half acre known as the Ferry Landing on the south side of the Tallapoosa River in section 15, more particularly described as follows: Commence at the southwest corner of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 1968 feet to a point; thence north 1 degree 00 minutes west 1267 feet to a point on the southerly bank of the Tallapoosa River and the point of beginning of the parcel herein intended to be described; thence south 52 degrees 00 minutes west 147.6 feet to a point; thence north 38 degrees 00 minutes west 147.6 feet to a point; thence north 52 degrees 00 minutes east 147.6 feet to a point on the southerly bank of said river; thence upstream along the southerly bank of the river south 38 degrees 00 minutes east 147.6 feet to the point of beginning, and being situated in the east half of the southwest quarter of section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; also a parcel of land known as Miller's Island in the Tallapoosa River just south of the river bridge more particularly described as follows: Commencing at the southwest corner of said section 15, township 23 north, range 23 east, Tallapoosa County, Alabama; thence south 89 degrees 00 minutes east 2605 feet to a point on the west bank of said island, which is the point of beginning; thence north 5 degrees 00 minutes east 220 feet to a point; thence north 8 degrees 00 minutes west 510 feet to a point; thence north 82 degrees 00 minutes east 350 feet to a point; thence north 55 degrees 30 minutes east 75 feet to a point; thence north 82 degrees 00 minutes east 115 feet to a point; thence south 17 degrees 00 minutes east 330 feet to a point; thence south 8 degrees 00 minutes east 270 feet to a point; thence south 77 degrees 45 minutes west 270 feet to a point; thence south 59 degrees 35 minutes west 160 feet to a point; thence south 36 degrees 06 minutes west 650 feet to a point; thence

north 5 degrees 00 minutes east 530 feet to the point of beginning, containing 14.11 acres, more or less, and being situated in sections 15 and 22, township 23 north, range 23 east, Tallapoosa County, Alabama. Less and except 5.1 acres in said section 15, township 23 north, range 23 east, previously conveyed by Nora E. Miller to Horseshoe Bend Battle Park Commission, described as follows: Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14, township 23 north, range 23 east, which is 69 chains south of the northwest corner of said section 14; thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning. Said 5.1-acre exception in said section 15 has heretofore been conveyed to the United States of America by patent from the State of Alabama.

The above-described lands contain 1,474.24 acres, more or less.

Beginning at a point which is 13 chains and 51 links south 75 degrees 30 minutes west of a point on the west line of section 14 which is 69 chains south of the northwest corner of section 14, thence west 8 chains and 50 links, thence south 6 chains, thence east 8 chains and 50 links, thence north 6 chains to the point of beginning, the said land lying and being in section 15, township 23 north, range 23 east.

The above-described lands contain 5.1 acres, more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of August in the year of our Lord nineteen hundred and fifty-nine, and of the independence of the United States of America the one hundred and eighty-fourth.

[SEAL]

DWIGHT D. EISENHOWER.

§ 430jj. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 430ff to 430jj of this title.

(July 25, 1956, ch. 729, § 5, 70 Stat. 651.)

§ 430kk. Wilson's Creek National Battlefield: establishment and acquisition of lands

(a) Establishment, initial boundaries

The Secretary of the Interior shall acquire, by gift, purchase, condemnation, or otherwise, the lands (together with any improvements thereon) comprising the Wilson's Creek Battlefield site near Springfield, Missouri, and any other lands adjacent to such site which in his opinion are necessary or desirable to carry out the purposes of sections 430kk to 430mm of this title.

(b) Expansion of boundaries

(1) The boundaries of the Wilson's Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels "1, 2, 3, 4, 5, and 6" on the map entitled "Wilson's Creek National Battlefield Proposed Boundary", numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods per-

sonal property associated with, and appropriate for, interpretation of the park.

(c) Access to private property

Nothing in sections 430kk to 430mm of this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(d) Liability

The revision of the boundaries of the Wilson's Creek National Battlefield by subsection (b) of this section shall not be considered to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

(e) Recognition of authority to control land use

Nothing in sections 430kk to 430mm of this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(f) Participation of private property owners

Nothing in sections 430kk to 430mm of this title shall be construed to require the owner of any private property located within the boundaries of the Wilson's Creek National Battlefield to participate in, or be associated with, the National Battlefield.

(g) Effect of expansion

The boundaries of the Wilson's Creek National Battlefield, as revised by subsection (b) of this section, represent the area within which Federal funds appropriated for the purpose of sections 430kk to 430mm of this title may be expended. The boundary revision shall not be construed to provide any nonexisting regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.

(Pub. L. 86-434, §1, Apr. 22, 1960, 74 Stat. 76; Pub. L. 108-394, §2(a), Oct. 30, 2004, 118 Stat. 2247.)

AMENDMENTS

2004—Pub. L. 108-394 inserted section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (g).

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-394, §1, Oct. 30, 2004, 118 Stat. 2247, provided that: "This Act [amending this section and section 430mm of this title] may be cited as the 'Wilson's Creek National Battlefield Boundary Adjustment Act of 2004'."

§ 430ll. Designation

(a) Administration, protection, and development

The lands acquired under section 430kk of this title shall be set aside as a public park for the benefit and enjoyment of the people of the United States, and shall be designated as the Wilson's Creek National Battlefield. The National Park Service, under the direction of the Secretary of the Interior, shall administer, pro-

tect, and develop the park, subject to the provisions of sections 1, 2, 3, and 4 of this title.

(b) Improvements

In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(Pub. L. 86-434, §2, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, §1(a), Dec. 16, 1970, 84 Stat. 1441.)

AMENDMENTS

1970—Pub. L. 91-554 substituted "Wilson's Creek National Battlefield" for "Wilson's Creek Battlefield National Park".

§ 430mm. Authorization of appropriations

For development of the Wilson's Creek National Battlefield, there are authorized to be appropriated not more than \$5,640,000. There are authorized to be appropriated such sums as may be necessary to carry out section 430kk(b) of this title.

(Pub. L. 86-434, §3, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, §1(b), Dec. 16, 1970, 84 Stat. 1441; Pub. L. 95-625, title I, §101(29), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 108-394, §2(b), Oct. 30, 2004, 118 Stat. 2248.)

AMENDMENTS

2004—Pub. L. 108-394 inserted last sentence.
1978—Pub. L. 95-625 substituted "\$5,640,000." for "\$2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indices applicable to the types of construction involved herein."

1970—Pub. L. 91-554 increased authorization of appropriations from not more than \$120,000 to not more than \$2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices.

§ 430nn. Antietam Battlefield site; acquisition of lands, buildings, structures, and other property

The Secretary of the Interior is authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable or by condemnation in accordance with section 3113 of title 40, lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Antietam Battlefield site, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That payment for such property or interests shall be made solely from donated funds. All such property and interests shall be a part of the Antietam Battlefield site and shall be subject to all laws and regulations applicable thereto.

(May 14, 1940, ch. 191, 54 Stat. 212.)

CODIFICATION

"Section 3113 of title 40" substituted in text for "the Act of August 1, 1888 (25 Stat. 357)" 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.

ANTIETAM NATIONAL BATTLEFIELD SITE REDESIGNATED AS ANTIETAM NATIONAL BATTLEFIELD; BOUNDARY REVISION

Pub. L. 95-625, title III, §319(b), Nov. 10, 1978, 92 Stat. 3488, as amended by Pub. L. 100-528, §1(c), Oct. 25, 1988, 102 Stat. 2649, provided that: "The Antietam National Battlefield Site established pursuant to such Act of April 22, 1960 [section 430oo of this title] is hereby redesignated the 'Antietam National Battlefield'. The boundaries of such battlefield are hereby revised to include the area generally depicted on the map referenced in subsection (a) of this section [set out as a note under section 430oo of this title], which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior."

§ 430oo. Acquisition of lands for preservation, protection and improvement; limitation

The Secretary of the Interior is authorized to acquire such lands and interests in land and to enter into such agreements with the owners of land on behalf of themselves, their heirs and assigns with respect to the use thereof as the Secretary finds necessary to preserve, protect and improve the Antietam Battlefield comprising approximately 1,800 acres in the State of Maryland and the property of the United States thereon, to assure the public a full and unimpeded view thereof, and to provide for the maintenance of the site (other than those portions thereof which are occupied by public buildings and monuments and the Antietam National Cemetery) in, or its restoration to, substantially the condition in which it was at the time of the battle of Antietam. Any acquisition authorized by this section may be made without regard to the limitation set forth in the proviso contained in section 430nn of this title.

(Pub. L. 86-438, Apr. 22, 1960, 74 Stat. 79; Pub. L. 93-608, §1(11), Jan. 2, 1975, 88 Stat. 1969; Pub. L. 100-528, §1(a), Oct. 25, 1988, 102 Stat. 2649.)

AMENDMENTS

1988—Pub. L. 100-528 struck out after first sentence "Not more than 600 acres of land, however, shall be acquired in fee by purchase or condemnation, but neither this limitation nor any other provision of law shall preclude such acquisition of the fee title to other lands and its immediate reconveyance to the former owner with such covenants, restrictions, or conditions as will accomplish the purposes of this section: *Provided*, That the cost to the Government of any such transaction shall not exceed the reasonable value of the covenants, restrictions, or conditions thereby imposed on the property."

1975—Pub. L. 93-608 struck out requirement that Secretary report to Congress at least once each year on any acquisition made or agreement entered into under provisions of this section.

SCENIC EASEMENTS; ACQUISITION

Pub. L. 95-625, title III, §319(a), Nov. 10, 1978, 92 Stat. 3488, as amended by Pub. L. 100-528, §1(b), Oct. 25, 1988, 102 Stat. 2649, provided that: "In furtherance of the purposes of the Act entitled 'An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland', approved April 22, 1960 (74 Stat. 79) [this section], and other Acts relative thereto [see section 430nn of this title], the Secretary is hereby authorized to acquire the additional lands generally depicted on the map entitled 'Boundary Map, Antietam

National Battlefield, Washington County, Maryland,' numbered 302-80.005-A and dated June 1977."

§ 430pp. Fort Necessity National Battlefield; acquisition of land

In furtherance of the purposes of the Act of March 4, 1931 (46 Stat. 1522), the Secretary of the Interior is authorized to acquire by purchase, exchange, donation, with donated funds or otherwise by such means as he may deem to be in the public interest, lands and interests in lands adjoining or near the Fort Necessity National Battlefield site which in his discretion are necessary to preserve the historic battleground, together with not to exceed 25 acres at the detached Braddock Monument: *Provided*, That the total area acquired pursuant to sections 430pp to 430tt of this title shall not exceed 500 acres, except that in order to avoid the undesirable severance of parcels in private ownership such parcels may be purchased in the entirety.

(Pub. L. 87-134, §1, Aug. 10, 1961, 75 Stat. 336.)

REFERENCES IN TEXT

Act of March 4, 1931 (46 Stat. 1522), referred to in text, was not classified to the Code.

§ 430qq. Exchange of lands

The Secretary of the Interior, in order to implement the purposes of section 430pp of this title, is authorized to exchange lands which may be acquired pursuant to sections 430pp to 430tt of this title for other lands or interests therein of approximately equal value lying within the original George Washington land patent at Fort Necessity.

(Pub. L. 87-134, §2, Aug. 10, 1961, 75 Stat. 336.)

§ 430rr. Change in name to Fort Necessity National Battlefield

The Fort Necessity National Battlefield site is redesignated as the Fort Necessity National Battlefield and any remaining balance of funds appropriated for the purposes of the site shall be available for the purposes of the Fort Necessity National Battlefield.

(Pub. L. 87-134, §3, Aug. 10, 1961, 75 Stat. 336.)

§ 430ss. Administration, protection, and development

The administration, protection, and development of the Fort Necessity National Battlefield shall be exercised by the Secretary of the Interior in accordance with provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented.

(Pub. L. 87-134, §4, Aug. 10, 1961, 75 Stat. 336.)

§ 430tt. Authorization of appropriation

There are authorized to be appropriated such sums, but not more than \$722,000, as are necessary to carry out the provisions of sections 430pp to 430tt of this title.

(Pub. L. 87-134, §5, Aug. 10, 1961, 75 Stat. 336; Pub. L. 93-477, title I, §101(4), Oct. 26, 1974, 88 Stat. 1445.)

AMENDMENTS

1974—Pub. L. 93-477 substituted "\$722,000" for "\$115,000".

§ 430uu. Big Hole National Battlefield; redesignation of monument

The Big Hole Battlefield National Monument, established by Executive Order Numbered 1216 of June 23, 1910, and enlarged by Proclamation Numbered 2339 of June 29, 1939, is hereby redesignated as the Big Hole National Battlefield.

(Pub. L. 88-24, §1, May 17, 1963, 77 Stat. 18.)

REFERENCES IN TEXT

Executive Order Numbered 1216 of June 23, 1910, referred to in text, is not classified to the Code.

Proclamation Numbered 2339 of June 29, 1939 (53 Stat. 2544), referred to in text, is not classified to the Code.

§ 430uu-1. Revision of boundaries

In order to preserve historic features and sites associated with the Battle of the Big Hole and to facilitate their administration and interpretation, the boundaries of the Big Hole National Battlefield are hereby revised to include the following described lands:

MONTANA PRINCIPAL MERIDIAN

Township 2 south, range 17, west: Section 13, southwest quarter southeast quarter, southeast quarter southwest quarter, east half southwest quarter southwest quarter; section 23, east half northeast quarter southeast quarter; section 24, west half east half, north half southwest quarter, southeast quarter southwest quarter, east half southwest quarter southwest quarter; section 25, those portions of the northeast quarter northwest quarter and the northwest quarter northeast quarter lying north of the north right-of-way line of relocated Montana State Route 43; consisting of approximately 466 acres.

(Pub. L. 88-24, §2, May 17, 1963, 77 Stat. 18.)

§ 430uu-2. Acquisition of land; exclusion from Beaverhead National Forest; administration

(a) The Secretary of the Interior may acquire by donation, purchase, exchange, or otherwise, lands and interests in lands within the area described in section 430uu-1 of this title.

(b) Any lands described in section 430uu-1 of this title that are a part of the Beaverhead National Forest on May 17, 1963, are hereby excluded from the forest and added to the Big Hole National Battlefield.

(c) Lands included in the Big Hole National Battlefield pursuant to sections 430uu to 430uu-4 of this title shall be administered in accordance with the provisions of sections 1, 2, 3, and 4 of this title.

(Pub. L. 88-24, §3, May 17, 1963, 77 Stat. 19.)

§ 430uu-3. Jurisdiction

There is hereby retroceded to the State of Montana, effective when accepted by said State in accordance with its laws, such jurisdiction as has been ceded by such State to the United States over any lands within the boundaries of the Big Hole National Battlefield reserving in the United States, however, concurrent legislative jurisdiction over such lands.

(Pub. L. 88-24, §4, May 17, 1963, 77 Stat. 19.)

§ 430uu-4. Authorization of appropriation

There are authorized to be appropriated such sums not exceeding \$42,500 as are necessary for the acquisition of lands and interests in land pursuant to sections 430uu to 430uu-4 of this title.

(Pub. L. 88-24, §5, May 17, 1963, 77 Stat. 19; Pub. L. 92-272, title I, §101(2), Apr. 11, 1972, 86 Stat. 120.)

AMENDMENTS

1972—Pub. L. 92-272 substituted “\$42,500” for “\$20,000”.

§ 430vv. River Raisin National Battlefield Park

(a) Establishment

(1) In general

If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the “Secretary”) shall accept the donated land.

(2) Designation of Park

On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be known as the “River Raisin National Battlefield Park” (referred to in this section as the “Park”).

(3) Legal description

(A) In general

The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) Availability of map and legal description

A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) Administration

(1) In general

The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with sections 1, 2, 3, and 4 of this title and sections 461 to 467 of this title.

(2) General management plan

(A) In general

Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site.

(B) Consultation

The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) Inclusions

The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) Submission to Congress

On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) Cooperative agreements

The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) Report

Not later than 3 years after March 30, 2009, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section.

(Pub. L. 111–11, title VII, § 7003, Mar. 30, 2009, 123 Stat. 1188.)

SUBCHAPTER LXI—NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS

§ 431. National monuments; reservation of lands; relinquishment of private claims

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

(June 8, 1906, ch. 3060, § 2, 34 Stat. 225.)

SHORT TITLE

Act June 8, 1906, ch. 3060, 34 Stat. 225, which is classified generally to sections 431, 432, and 433 of this title,

is popularly known as the “Antiquities Act of 1906”, and is also known as the “National Monument Act”.

NATIONAL MONUMENT COMMISSION

Act Aug. 31, 1954, ch. 1160, 68 Stat. 1029, provided for a Commission to obtain plans and designs for a useful monument to the nation symbolizing to the United States and the world the ideals of a democracy as embodied in the five freedoms (speech, religion, press, assembly, and petition) and to submit such plans to Congress for legislative authorization after approval by the Secretary of the Interior, the National Capital Planning Commission, and the Commission of Fine Arts. The Commission terminated 30 days after submission of required report which was submitted in 1957 but audit of business was not completed until September 1964.

NATIONAL MONUMENTS ESTABLISHED UNDER PRESIDENTIAL PROCLAMATION

Ackia Battleground National Monument, Mississippi [see section 450r of this title].—Proc. No. 2307, Oct. 25, 1938, 53 Stat. 2494.

Admiralty Island National Monument, Alaska [Monument established within Tongass National Forest by Pub. L. 96–487, title V, § 503(b), Dec. 2, 1980, 94 Stat. 2399; Pub. L. 104–123, Apr. 1, 1996, 110 Stat. 879; Pub. L. 105–60, Oct. 10, 1997, 111 Stat. 1269].—Proc. No. 4611, Dec. 1, 1978, 93 Stat. 1446.

African Burial Ground National Monument, New York.—Proc. No. 7984, Feb. 27, 2006, 71 F.R. 10793.

Agua Fria National Monument, Arizona.—Proc. No. 7263, Jan. 11, 2000, 65 F.R. 2817.

Andrew Johnson National Monument, Tennessee [Monument redesignated Andrew Johnson National Historical Site, see section 450o of this title].—Proc. No. 2554, Apr. 27, 1942, 56 Stat. 1955.

Aniakchak National Monument, Alaska [Monument established as unit of National Park System, see section 410hh(1) of this title].—Proc. No. 4612, Dec. 1, 1978, 93 Stat. 1448.

Arches National Monument, Utah [Monument abolished and funds made available to Arches National Park, see section 272 of this title].—Proc. No. 1875, Apr. 12, 1929, 46 Stat. 2988; Proc. No. 2312, Nov. 25, 1938, 53 Stat. 2504; Proc. No. 3360, July 22, 1960, 74 Stat. c79; Proc. No. 3887, Jan. 20, 1969, 83 Stat. 920.

Aztec Ruins National Monument, New Mexico.—Proc. No. 1650, Jan. 24, 1923, 42 Stat. 2295; Proc. No. 1840, July 2, 1928, 45 Stat. 2954; Proc. No. 1928, Dec. 19, 1930, 46 Stat. 3040; Proc. No. 2787, May 27, 1948, 62 Stat. 1513; Pub. L. 100–559, title VI, §§ 601–604, Oct. 28, 1988, 102 Stat. 2800.

Badlands National Monument, South Dakota [Monument redesignated Badlands National Park, see section 441e–1 of this title].—Proc. No. 2320, Jan. 25, 1939, 53 Stat. 2521.

Bandelier National Monument, New Mexico.—Proc. No. 1322, Feb. 11, 1916, 39 Stat. 1764; Proc. No. 1991, Feb. 25, 1932, 47 Stat. 2503; Proc. No. 3388, Jan. 9, 1961, 75 Stat. 1014; Proc. No. 3539, May 27, 1963, 77 Stat. 1006; Pub. L. 94–578, title III, § 309, Oct. 21, 1976, 90 Stat. 2736; Pub. L. 105–85, div. C, title XXXI, § 3164, Nov. 18, 1997, 111 Stat. 2050; Pub. L. 105–376, Nov. 12, 1998, 112 Stat. 3388.

Becharof National Monument, Alaska.—Proc. No. 4613, Dec. 1, 1978, 93 Stat. 1450.

Bering Land Bridge National Monument, Alaska.—Proc. No. 4614, Dec. 1, 1978, 93 Stat. 1451.

Big Hole Battlefield National Monument, Montana [Monument redesignated Big Hole National Battlefield, see section 430uu of this title].—Ex. Ord. No. 1216, June 23, 1910; Proc. No. 2339, June 29, 1939, 53 Stat. 2544.