

the Secretary all right, title, and interest of the Company in and to the non-Federal land generally depicted on the map as “Tract D”, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as “Tract B”, along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

**(B) Conditions**

The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

**(C) Valuation**

**(i) In general**

The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

**(ii) Equalization**

If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

**(D) Appraisal**

Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

**(E) Technical corrections**

Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

**(F) Administration of land acquired by Secretary**

Land acquired by the Secretary under subparagraph (A) shall—

- (i) become part of the National Park; and
- (ii) be administered in accordance with the laws applicable to the National Park System.

**(4) Map**

The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

**(5) Boundary revision**

On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

(Pub. L. 111–11, title VII, §7107, Mar. 30, 2009, 123 Stat. 1193.)

SUBCHAPTER LV—MINUTE MAN NATIONAL HISTORICAL PARK

**§ 410s. Establishment**

**(a) In general**

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts. The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.

**(b) Boundaries**

The park shall be comprised of the lands depicted on the map entitled “Boundary Map NARO-406-20015C”, dated June 1991.

(Pub. L. 86–321, §1, Sept. 21, 1959, 73 Stat. 591; Pub. L. 91–548, §1, Dec. 14, 1970, 84 Stat. 1436; Pub. L. 102–488, §2[1], Oct. 24, 1992, 106 Stat. 3135.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–488 substituted “The purposes of the park shall include the preservation and interpretation of (1) the historic landscape along the road between Lexington and Concord, (2) sites associated with the causes and consequences of the American Revolution, and (3) the Wayside on Lexington Road in Concord, the home of Nathaniel Hawthorne, Bronson Alcott, Louisa May Alcott, and Margaret Sidney, whose works illustrate the nineteenth century American literary renaissance.” for “The park shall comprise not more than seven hundred and fifty acres as may be designated by the Secretary of the Interior from within the area beginning at Fiske Hill and thence lying along Massachusetts Avenue, Marrett Road and Marrett Street in the town of Lexington, along Nelson Road, Virginia Road, Old Bedford Road, and North Great Road or State Route 2–A in the town of Lincoln, and along Lexington Road, Monument Street, Liberty Street and Lowell Road in the town of Concord to and including the North Bridge and properties on both sides of the Concord River in the vicinity of the North Bridge.”

Subsec. (b). Pub. L. 102–488 added subsec. (b) and struck out former subsec. (b) which read as follows: “Notwithstanding the description set forth in subsection (a) of this section, if the Secretary should determine that the relocation of Highway 2 by the Commonwealth of Massachusetts makes it desirable to establish new boundaries in common with, contiguous or adjacent to the proposed right-of-way for that highway, he is authorized to relocate such boundaries accordingly, and shall give notice thereof by publication of a map or other suitable description in the Federal Register: *Provided*, That any net acreage increase by reason of the boundary revision and land exchanges with the Commonwealth shall not be included in calculations of acreage in regard to the limitation set forth in subsection (a) of this section, but shall be in addition thereto.”

Subsec. (c). Pub. L. 102–488 struck out subsec. (c) which read as follows: “Any lands added to the Minute Man National Historical Park, pursuant to subsection

(b) of this section may be acquired only if such acquisition can be accomplished without cost for land acquisition and, when so acquired, shall be subject to all laws, rules, and regulations applicable thereto.”

1970—Pub. L. 91-548 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

SHORT TITLE OF 1992 AMENDMENT

Section 1 of Pub. L. 102-488 provided that: “This Act [enacting sections 410x-1 and 410x-2 of this title and amending this section and sections 410t and 410x of this title] may be cited as the ‘Minute Man National Historical Park Amendments of 1991.’”

**§ 410t. Acquisition and transfer of lands; private owner’s retention of right of use and occupancy**

**(a) Acquisition of lands; administrative jurisdiction of Federal lands; notice in Federal Register**

The Secretary of the Interior is authorized to acquire by donation or with donated funds, or with funds authorized to be appropriated, lands and interests in lands within the area designated for the park. Administrative jurisdiction of Federal lands lying within the area designated for the park shall, with the concurrence of the Federal agency involved, be transferred to the Secretary of the Interior for administration as a part of the park.

The park shall be established as Minute Man National Historical Park by notice in the Federal Register when the Secretary of the Interior finds that sufficient lands within the designated area have been acquired to warrant such establishment.

**(b) Transfer of lands**

The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Defense the two parcels currently administered by the Secretary of the Interior, as depicted on the map dated April 1990 and numbered NARO-406/80805. The Secretary of Defense shall transfer to the administrative jurisdiction of the Secretary of the Interior, without reimbursement, for inclusion in the Minute Man National Historical Park the 4 parcels now administered by the Secretary of Defense, as depicted on the maps dated April 1990 and numbered NARO-406/80804 and NARO-406/80805.

**(c) Exceptions and limitations to authorization to acquire lands; condemnation**

The Secretary of the Interior is authorized to acquire by donation, purchase with donated or appropriated funds, or exchange, lands or interests in lands within the areas included within the boundaries of the park pursuant to amendments made by the Minute Man National Historical Park Amendments of 1991 (hereinafter referred to as “1991 additions”), except that—

(1) lands, and interests in lands, within the 1991 additions which are owned by the State of Massachusetts or any political subdivision thereof, may be acquired only by donation, and

(2) lands, and interests in lands, within the 1991 additions which are used for noncommercial residential purposes as of July 1, 1991, may be acquired only with the consent of the owner

thereof unless the property is being developed, or is proposed to be developed, in a manner which the Secretary determines to be detrimental to the scenic, historical, cultural, and other values of the park.

Nothing in paragraph (2) shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances for any lands within the 1991 additions. Not later than 6 months after October 24, 1992, and after notice and opportunity for public comment, the Secretary of the Interior shall publish specific guidelines for making determinations under paragraph (2). Such guidelines shall provide for (A) written notice to the Secretary prior to commencement of any proposed development on the lands referred to in paragraph (2), (B) written notice by the Secretary to the owner of such lands of any determination proposed to be made under paragraph (2), and (C) a reasonable opportunity for the owner to comment on such proposed determination.

**(d) Private owner’s retention of right of use and occupancy**

(1) Any individual who owns private property acquired by the Secretary under subsection (c) of this section may, on the date of such acquisition and as a condition of such acquisition, retain for himself and his successors or assigns, a right of use and occupancy of the property for a definite term of not more than 25 years from the date of acquisition by the Secretary or a term ending at the death of the owner or the owner’s spouse, whichever is later. The owner shall elect the term to be reserved.

(2) Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this subsection the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(3) For purposes of applying this subsection, ownership shall be determined as of July 1, 1991.

(Pub. L. 86-321, § 2, Sept. 21, 1959, 73 Stat. 591; Pub. L. 102-488, § 2(3)[(2)], Oct. 24, 1992, 106 Stat. 3135.)

REFERENCES IN TEXT

The Minute Man National Historical Park Amendments of 1991, referred to in subsec. (c), is Pub. L. 102-488, Oct. 24, 1992, 106 Stat. 3135, which enacted sections 410x-1 and 410x-2 of this title, amended this section and sections 410s and 410x of this title, and enacted provisions set out as a note under section 410s of this title. For complete classification of this Act to the Code, see Short Title of 1992 Amendment note set out under section 410s of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-488 designated existing provisions as subsec. (a) and added subsecs. (b) to (d).

BOUNDARY ADJUSTMENT

Pub. L. 111-11, title VII, § 7106, Mar. 30, 2009, 123 Stat. 1193, provided that:

“(a) DEFINITIONS.—In this section:

“(1) MAP.—The term ‘map’ means the map entitled ‘Minute Man National Historical Park Proposed Boundary’, numbered 406/81001, and dated July 2007.

“(2) PARK.—The term ‘Park’ means the Minute Man National Historical Park in the State of Massachusetts.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

“(1) BOUNDARY ADJUSTMENT.—

“(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

“(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

“(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

“(A) purchase from willing sellers with donated or appropriated funds;

“(B) donation; or

“(C) exchange.

“(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

#### § 410u. Preservation of historic sites

To provide further for the preservation and interpretation of historic sites, structures, and properties lying along the entire route or routes where significant events occurred on the 18th and 19th of April 1775, in the cities of Boston, Cambridge, Medford, and Somerville, and the towns of Arlington, Brookline, Concord, Lexington, and Lincoln, including the area generally described in section 410s of this title as lying between Fiske Hill and the North Bridge, the Secretary of the Interior is authorized, in accordance with the purposes of this subchapter, to enter into cooperative agreements with the Commonwealth of Massachusetts, political subdivisions thereof, corporations, associations, or individuals, and to erect and maintain tablets or markers, in accordance with provisions contained in sections 461 to 467 of this title.

(Pub. L. 86-321, § 3, Sept. 21, 1959, 73 Stat. 591.)

#### § 410v. Appointment and composition of advisory commission

The Secretary of the Interior is authorized to appoint an advisory commission of five members to advise him on the development of Minute Man National Historical Park, to consist of one member to be recommended by the selectmen of each of the towns of Concord, Lexington, and Lincoln, Massachusetts; one member to be recommended by the Governor of the Commonwealth of Massachusetts; and one member to be designated by the Secretary.

(Pub. L. 86-321, § 4, Sept. 21, 1959, 73 Stat. 591.)

#### TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L.

92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 410w. Administration, protection, and development

When established pursuant to this subchapter, the park shall be administered, protected, and developed 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, and sections 461 to 467 of this title.

(Pub. L. 86-321, § 5, Sept. 21, 1959, 73 Stat. 592.)

#### § 410x. Authorization of appropriations

There are authorized to be appropriated such sums, but not more than \$13,900,000, as may be needed for the acquisition of lands and interests in lands and for development of the Minute Man National Historical Park, of which not more than \$10,900,000 shall be used for acquisition purposes, and in addition thereto, such sums as may be needed for its administration and maintenance. For fiscal years after fiscal year 1991, there is authorized to be appropriated an additional \$15,000,000 for development and an additional \$7,300,000 for acquisition of lands and interests in lands.

(Pub. L. 86-321, § 6, Sept. 21, 1959, 73 Stat. 592; Pub. L. 91-548, § 2, Dec. 14, 1970, 84 Stat. 1437; Pub. L. 102-488, § 2(4)(3), Oct. 24, 1992, 106 Stat. 3136.)

#### AMENDMENTS

1992—Pub. L. 102-488 inserted at end “For fiscal years after fiscal year 1991, there is authorized to be appropriated an additional \$15,000,000 for development and an additional \$7,300,000 for acquisition of lands and interests in lands.”

1970—Pub. L. 91-548 substituted “\$13,900,000” for “\$8,000,000” and “\$10,900,000” for “\$5,000,000”.

#### § 410x-1. Residential occupancy

##### (a) Offer

In the case of each individual who—

(1) sold residential property between 1966 and 1968 to the United States for purposes of the park, and

(2) continues to occupy such residential property pursuant to a residential special use permit as of October 24, 1992,

the Secretary of the Interior shall offer to extend such residential special use permit for a term ending on the death of such individual or such individual’s spouse, whichever is later.

##### (b) Terms and conditions

Any residential special use permit extended pursuant to subsection (a) of this section shall—

(1) permit the reasonable residential use and occupancy of the property by the individual to whom such permit is granted and such individual’s spouse; and

(2) be subject to such terms and conditions as the Secretary may prescribe (including termination) to ensure that the permit does not unreasonably diminish the values of the park.

The extension of any such residential special use permit shall be conditional upon the payment

by the individual holding such permit of an annual fee in the same amount as required as of July 1, 1991.

(Pub. L. 86-321, §7, as added Pub. L. 102-488, §2(5)[(4)], Oct. 24, 1992, 106 Stat. 3136.)

#### § 410x-2. "Residential property" defined

As used in this subchapter, the term "residential property" means a single-family dwelling, the construction of which began before July 1, 1991, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates as reasonably necessary for the owner's continued use and occupancy of the dwelling.

(Pub. L. 86-321, §8, as added Pub. L. 102-488, §2(5)[(4)], Oct. 24, 1992, 106 Stat. 3137.)

### SUBCHAPTER LVI—CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

#### § 410y. Definitions

As used in this subchapter—

(a) "Park" means the Chesapeake and Ohio Canal National Historical Park, as herein established.

(b) "Canal" means the Chesapeake and Ohio Canal, including its towpath.

(c) "Secretary" means the Secretary of the Interior.

(d) "State" means any State, and includes the District of Columbia.

(e) "Local government" means any political subdivision of a State, including a county, municipality, city, town, township, or a school or other special district created pursuant to State law.

(f) "Person" means any individual, partnership, corporation, private nonprofit organization, or club.

(g) "Landowner" means any person, local government, or State owning, or on reasonable grounds professing to own, lands or interests in lands adjacent to or in the vicinity of the park.

(Pub. L. 91-664, §2, Jan. 8, 1971, 84 Stat. 1978.)

#### SHORT TITLE

Section 1 of Pub. L. 91-664, Jan. 8, 1971, 84 Stat. 1978, provided: "That this Act [enacting this subchapter] shall be known as the 'Chesapeake and Ohio Canal Development Act'."

#### DEDICATION TO JUSTICE WILLIAM O. DOUGLAS

Pub. L. 95-11, Mar. 15, 1977, 91 Stat. 21, provided: "That the canal and towpath of the Chesapeake and Ohio Canal National Historical Park are hereby dedicated to Justice William O. Douglas in grateful recognition of his long outstanding service as a prominent American conservationist and for his efforts to preserve and protect the canal and towpath from development.

"SEC. 2. In order to carry out the provisions of this Act, the Secretary of the Interior is authorized and directed to provide such identification by signs, including, but not limited to changes in existing signs, materials, maps, markers, interpretive programs or other means as will appropriately inform the public of the contributions of Justice William O. Douglas.

"SEC. 3. The Secretary of the Interior is further authorized and directed to cause to be erected and maintained, within the exterior boundaries of the Chesapeake and Ohio Canal National Historical Park, an appropriate memorial to Justice William O. Douglas. Such memorial shall be of such design and be located at such place within the park as the Secretary shall determine.

"SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act."

#### § 410y-1. Purposes; establishment; boundaries; acquisition of lands; procedure for acquisition; time of acquisition

(a) In order to preserve and interpret the historic and scenic features of the Chesapeake and Ohio Canal, and to develop the potential of the canal for public recreation, including such restoration as may be needed, there is hereby established the Chesapeake and Ohio Canal National Historical Park, in the States of Maryland and West Virginia and in the District of Columbia. The park as initially established shall comprise those particular properties in Federal ownership, containing approximately five thousand two hundred and fifty acres, including those properties along the line of the Chesapeake and Ohio Canal in the State of Maryland and appurtenances in the State of West Virginia designated as the Chesapeake and Ohio Canal National Monument, and those properties along the line of the Chesapeake and Ohio Canal between Rock Creek in the District of Columbia and the terminus of the Chesapeake and Ohio Canal National Monument near the mouth of Seneca Creek in the State of Maryland. The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, Proposed Chesapeake and Ohio Canal National Historical Park," in five sheets, numbered CHOH 91,000, and dated October 1969, which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior: *Provided*, That no lands owned by any State shall be included in the boundaries of the park—

(1) unless they are donated to the United States, or

(2) until a written cooperative agreement is negotiated by the Secretary which assures the administration of such lands in accordance with established administrative policies for national parks, and

(3) until the terms and conditions of such donation or cooperative agreement have been forwarded to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least sixty days prior to being executed.

The exact boundaries of the park shall be established, published, and otherwise publicized within eighteen months after January 8, 1971, and the owners of property other than property lying between the canal and the Potomac River shall be notified within said period as to the extent of their property included in the park.

(b) Within the boundaries of the park, the Secretary is authorized to acquire lands and interests therein by donation, purchase with donated or appropriated funds, or exchange, but he shall refrain from acquiring, for two years from January 8, 1971, any lands designated on the bound-