

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.