

§ 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