

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 Secretary 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,