

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 the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535),<sup>1</sup> as amended.

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

#### REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted sections 1, 2, 3, and 4 of this title, amended sections 22 and 43 of this title and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of this title. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Proce-

<sup>1</sup> See References in Text note below.

dures, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

#### § 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 the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.),<sup>1</sup> and the Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.).<sup>1</sup>

(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.

The Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, which enacted sections 1, 2, 3, and 4 of this title, amended sections 22 and 43 of this title and section 1457 of Title 43, Public Lands, and enacted provisions set out as a note under section 1 of this title. Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

The Act of August 21, 1935 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.), referred to in text, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, also known as the Historic Sites Act of 1935, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 4(a)(1), 7, Dec. 19, 2014, 128 Stat. 3094, 3260, 3272. For complete classification of this Act to the Code, see Tables. For disposition of former sections of this title, see Disposition Table preceding section 100101 of Title 54.

<sup>1</sup> See References in Text note below.

**§ 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.)