

“1989, and the map entitled ‘Fredericksburg and Spotsylvania National Military Park,’ numbered 326-40072E/89/A and dated September, 1990.” for “1989.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-541, §2(a)(2), Oct. 27, 1992, 106 Stat. 3565, provided in part that amendment of this section by Pub. L. 102-541 was not to be effective until the lands included within the proposed new boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to Pub. L. 102-541 had been donated to the Secretary of the Interior, prior to repeal by Pub. L. 106-150, §1(a), Dec. 9, 1999, 113 Stat. 1730.

SHORT TITLE

Pub. L. 101-214, §1, Dec. 11, 1989, 103 Stat. 1849, provided that: “This Act [enacting this section and sections 425l to 425o of this title] may be cited as the ‘Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989’.”

CONGRESSIONAL FINDINGS RELATING TO PARK EXPANSION

Pub. L. 102-541, §1, Oct. 27, 1992, 106 Stat. 3565, provided that: “Congress finds that the land area near Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia, located south and west of the intersection of the Orange Plank Road and Brock Road in Spotsylvania County was strategically significant ground associated with the battle of the Civil War known as the Battle of the Wilderness, and that the tract of land adjacent to such area known as ‘Longstreet’s Flank Attack’ was also strategically significant to that battle.”

ACQUISITION OF CERTAIN LANDS BY DONATION ONLY

Pub. L. 102-541, §2(b), Oct. 27, 1992, 106 Stat. 3565, provided that lands included within the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to that section, amending this section and enacting provisions formerly set out as a note above, could be acquired only by donation, prior to repeal by Pub. L. 106-150, §1(b)(2), Dec. 9, 1999, 113 Stat. 1730.

§ 425l. Acquisitions and conveyances

(a) Acquisition

(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and interests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(2) The lands designated “P04-04” on the map referred to in section 425k(a) of this title numbered 326-40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated “P04-01”, “P04-02”, and “P04-03” on such map may be acquired only by donation, purchase from willing sellers, or exchange.

(b) Conveyance of lands excluded from park

(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 425k(b) of this title for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after December 11, 1989, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be

at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(c) Alternative access

In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in sections 425k to 425o of this title shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) Conservation easements

The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.

(e) Other provisions

Within the area bounded by the Orange Turnpike, the Orange Plank Road, and McLaws Drive no improved property (as defined in section 425m of this title) may be acquired without the consent of the owner thereof unless the Secretary determines that, in his judgment, the property is subject to, or threatened with, uses which are having, or would have, an adverse impact on the park.

(Pub. L. 101-214, §3, Dec. 11, 1989, 103 Stat. 1849; Pub. L. 106-150, §1(b)(1), Dec. 9, 1999, 113 Stat. 1730.)

AMENDMENTS

1999—Subsec. (a). Pub. L. 106-150 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the Secretary” for “The Secretary”, and added par. (2).

§ 425m. Retained rights

(a) Retention of use and occupancy

With the exception of property which the Secretary determines is necessary for development

or public use, the owner or owners of improved property acquired pursuant to sections 425k to 425o of this title may retain a right of use and occupancy of such improved property for non-commercial 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 owner's spouse. The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership, or any entity other than an individual, the term shall not exceed twenty-five years. Ownership shall be determined as of June 1, 1989. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value of the right retained by the owner.

(b) Terms and conditions

Any rights retained pursuant to this section shall be subject to such terms and conditions as the Secretary may prescribe and may be terminated by the Secretary upon his determination and after reasonable notice to the owner thereof that such property is being used for any purpose which is incompatible with the administration, protection, or public use of the park. Such right shall terminate by operation of law upon notification of the owner by the Secretary and tendering to the owner an amount equal to the fair market value of that portion of the right which remains unexpired.

(c) "Improved property" defined

As used in this section, the term "improved property" means a year-round noncommercial single-family dwelling together with such land, in the same ownership as the dwelling, as the Secretary determines is reasonably necessary for the enjoyment of the dwelling for single-family residential use.

(Pub. L. 101-214, § 4, Dec. 11, 1989, 103 Stat. 1850.)

§ 425n. Interpretation

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the battles of Fredericksburg, Chancellorsville, Spotsylvania Courthouse, and the Wilderness in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people, especially on the American South.

(Pub. L. 101-214, § 5, Dec. 11, 1989, 103 Stat. 1851.)

§ 425o. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 425k to 425o of this title.

(Pub. L. 101-214, § 6, Dec. 11, 1989, 103 Stat. 1851.)

§ 426. Stones River National Battlefield; establishment; appointment of commission

A commission is created, to be composed of the following members, who shall be appointed by the Secretary of the Interior:

(1) A commissioned officer of the Corps of Engineers, United States Army;

(2) A veteran of the Civil War who served honorably in the military forces of the United States; and

(3) A veteran of the Civil War who served honorably in the military forces of the Confederate States of America.

(Mar. 3, 1927, ch. 374, § 1, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-443, §§ 2, 3, Apr. 22, 1960, 74 Stat. 82.)

CHANGE OF NAME

Stones River National Military Park redesignated Stones River National Battlefield by Pub. L. 86-443. See section 426l of this title.

TRANSFER OF FUNCTIONS

Administrative functions of Stones River National Military Park transferred to Department of the Interior by Ex. Ord. Nos. 6166 and 6228, set out as notes under section 901 of Title 5, Government Organization and Employees. Administrative functions of Stones River National Battlefield assigned to Department of the Interior by section 3 of Pub. L. 86-443, set out as section 426m of this title.

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.

§ 426a. Qualifications of members of commission

In appointing the members of the commission created by section 426 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Stones River, Tennessee, and the historical events associated therewith.

(Mar. 3, 1927, ch. 374, § 2, 44 Stat. 1399; 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.

§ 426b. Duties of commission

It shall be the duty of the commission, acting under the direction of the Secretary of the Interior, to inspect the battlefield of Stones River, Tennessee, and to carefully study the available records and historical data with respect to the location and movement of all troops which engaged in the battle of Stones River, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 3, 1927, ch. 374, § 3, 44 Stat. 1399; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

A provision of act Mar. 3, 1927, authorizing the submission of a report by the commission to the Secretary of War not later than Dec. 1, 1927, and describing the contents of such report was omitted as executed.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 426 of this title.