

the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet.

(Apr. 14, 1926, ch. 138, § 1, 44 Stat. 251.)

#### § 427a. Omitted

##### CODIFICATION

Section, act Apr. 14, 1926, ch. 138, § 2, 44 Stat. 251, made appropriation of \$2,500 for carrying out of provisions of section 427 of this title.

#### § 428. Fort Donelson 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. 26, 1928, ch. 248, § 1, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

##### CHANGE OF NAME

“Fort Donelson National Military Park” redesignated “Fort Donelson National Battlefield” by Pub. L. 86-738, § 4. See section 428n of this title.

##### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-367, § 1, Oct. 25, 2004, 118 Stat. 1743, provided that: “This Act [enacting sections 428p to 428p-2 of this title and amending section 428k of this title] may be cited as the ‘Fort Donelson National Battlefield Expansion Act of 2004.’”

##### TRANSFER OF FUNCTIONS

Administrative functions of Fort Donelson 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 Fort Donelson National Battlefield assigned to Department of the Interior by section 5 of Pub. L. 86-738, set out as section 428o 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.

#### § 428a. Qualifications of members of commission

In appointing the members of the commission created by section 428 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Fort Donelson, Tennessee, and the historical events associated therewith.

(Mar. 26, 1928, ch. 248, § 2, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

#### § 428b. 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 Fort Donelson, 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 Fort Donelson, and the important events connected therewith, with a view of preserving and marking such field for historical and professional military study.

(Mar. 26, 1928, ch. 248, § 3, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

#### § 428c. Assistants to commission; expenses of commission

The Secretary of the Interior is authorized to assign any officials of the Interior Department to the assistance of the commission if he deems it advisable. He is authorized to pay the reasonable expenses of the commission and their assistants incurred in the actual performance of the duties herein imposed upon them.

(Mar. 26, 1928, ch. 248, § 4, 45 Stat. 367; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, § 5, Sept. 8, 1960, 74 Stat. 876.)

##### REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 26, 1928, which is classified to sections 428 to 428d and 428e to 428i of this title. For complete classification of this Act to the Code, see Tables.

##### TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 428 of this title.

#### § 428d. Receipt of report of commission by Secretary of the Interior; acquisition of land for battlefield; other duties of Secretary

Upon receipt of the report of said commission the Secretary of the Interior is authorized and directed to acquire, by purchase, when purchasable at prices deemed by him reasonable, otherwise by condemnation, such tract or tracts of lands as are recommended by the commission as necessary and desirable for a national battlefield; to establish and substantially mark the boundaries of the said battlefield; to definitely mark all lines of battle and locations of troops within the boundaries of the battlefield and erect substantial historical tablets at such points within the battlefield and in the vicinity of the battlefield and its approaches as are recommended by the commission, together with such other points as the Secretary of the Interior may deem appropriate; to construct the necessary roads and walks, plant trees and shrubs, restore and care for the grounds, including the restoration and maintenance of those portions of old Fort Donelson, and of the Confederate water batteries that are located on the present engineer reservation: *Provided*, That the