

§ 428h. Ascertaining and marking line of battle

It shall be lawful for the authorities of any State having troops engaged in the Battle of Fort Donelson to enter upon the lands and approaches of the Fort Donelson National Battlefield for the purpose of ascertaining and marking the lines of battle of troops engaged therein: *Provided*, That before any such lines are permanently designated, the position of the lines and the proposed methods of marking them by monuments, tablets, or otherwise shall be submitted to the Secretary of the Interior and shall first receive the written approval of the Secretary.

(Mar. 26, 1928, ch. 248, § 9, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, §§ 4, 5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Battlefield” substituted in text for “Fort Donelson National Military Park” in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

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

§ 428i. Protection of monuments, etc.

If any person shall willfully 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 battlefield by lawful authority, or shall willfully destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said battlefield, or any portion thereof, or shall willfully destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said battlefield, or shall cut down or fell or remove any timber, battle relic, tree, or trees growing or being upon such battlefield, except by permission of the Secretary of the Interior, or shall willfully remove or destroy any breastworks, earthworks, walls, or other defenses or shelter, or any part thereof, constructed by the armies formerly engaged in the battle on the lands or approaches to the battlefield, any person so offending shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall for each and every such offense be fined not less than \$5 nor more than \$100.

(Mar. 26, 1928, ch. 248, § 10, 45 Stat. 368; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Pub. L. 86-738, §§ 4, 5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Battlefield” substituted for “park” wherever appearing in text in view of redesignation of Fort Donelson National Military Park as Fort Donelson National Battlefield by Pub. L. 86-738. See section 428n of this title.

TRANSFER OF FUNCTIONS

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

§ 428j. Omitted

CODIFICATION

Section, act Mar. 26, 1928, ch. 248, § 11, 45 Stat. 369, appropriated \$50,000 to be expended for purposes of sections 428 to 428d, 428e to 428i of this title.

§ 428k. Addition of lands

In furtherance of the purposes of sections 428 to 428d and 428e to 428i of this title and to facilitate an appropriate observance of the one hundredth anniversary of the Battle of Fort Donelson, the Secretary of the Interior is authorized to designate for addition to the present Fort Donelson National Battlefield such lands and interests in lands adjacent to said battlefield as in his discretion are necessary to preserve and interpret this historic battleground, including the nearby historic Surrender House and the land upon which it is situated on Spring Street in the town of Dover, Tennessee.

(Pub. L. 86-738, §§ 1, 4, Sept. 8, 1960, 74 Stat. 875, 876; Pub. L. 108-367, § 6, Oct. 25, 2004, 118 Stat. 1745.)

AMENDMENTS

2004—Pub. L. 108-367 substituted “Tennessee” for “Tennessee, but the total area commemorating the battle of Fort Donelson shall not exceed 600 acres”.

CHANGE OF NAME

“Fort Donelson National Battlefield” and “battlefield” substituted in text for “Fort Donelson National Military Park” and “park”, respectively, 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.

§ 428l. Acquisition of lands; agreement for transfer of jurisdiction

Within the area designated for addition to such battlefield under section 428k of this title, the Secretary is authorized to acquire non-Federal lands and interests in lands by purchase, by donation, by purchase with donated funds, or in such other manner and by such means as he may deem to be in the public interest, except that the Surrender House and land upon which it is situated shall be acquired only by donation or by purchase with donated funds. Administrative 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),¹ 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 and provisions set out as a note under section 100101 of Title 54, National Park Service and Related Programs. 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 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 ac-

quired 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), 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)—

- (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) 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), 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.),¹

¹ See References in Text note below.

¹ See References in Text note below.