

(c) Owner's reservation of right of use and occupancy of improved property for residential purposes for life or fixed term of years; compensation at fair market value; termination of right retained by owner; "improved property" defined; waiver of rights and benefits by owner

(1) The owner of an 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 non-commercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, 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 the fair market value of the property on the date of acquisition, less the fair market value, on that date, of the right retained by the owner. 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 this section, 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.

(2) As used in this section, the term "improved property" means a detached, single-family dwelling, construction of which was begun before June 8, 1976, which is used for noncommercial residential purposes, 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.

(3) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 4623, 4624, 4625, and 4626 of title 42, and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 4601(6) of title 42.

(d) Administration

The Secretary shall administer the park in accordance with the Acts of August 25, 1916 (39 Stat. 535),¹ as amended and supplemented, and August 21, 1935 (49 Stat. 666)¹ as amended.

(e) Omitted

(f) Authorization of appropriation

There are authorized to be appropriated not to exceed \$1,335,000 to carry out the purposes of this section.

(Pub. L. 94-578, title III, §308, Oct. 21, 1976, 90 Stat. 2735; Pub. L. 102-541, §3(a), Oct. 27, 1992, 106 Stat. 3565.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), referred to in subsec. (d), is act Aug. 25, 1916, ch. 408, 39 Stat. 535,

¹ See References in Text note below.

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.

The Act of August 21, 1935 (49 Stat. 666), referred to in subsec. (d), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, 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.

CODIFICATION

Section is comprised of section 308 of Pub. L. 94-578. Subsec. (e) of section 308 of Pub. L. 94-578 repealed sections 450b to 450e of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-541 substituted "numbered 340/80,015 and dated June 1992," for "numbered 340-20,000A, and dated September 1976,".

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-541, §3(a), Oct. 27, 1992, 106 Stat. 3565, provided in part: "That this subsection [amending this section] shall not be effective until the lands included within the proposed new boundaries of the Appomattox Court House National Historical Park pursuant to this Act [amending this section and section 425k of this title and enacting provisions set out as notes under this section and section 425k of this title] have been donated to the Secretary of the Interior." [Lands included within proposed new boundaries were donated on Sept. 14, 1993, and Sept. 15, 1993.]

ACQUISITION OF CERTAIN LANDS BY DONATION ONLY

Pub. L. 102-541, §3(b), Oct. 27, 1992, 106 Stat. 3566, provided that: "Lands included within the boundaries of the Appomattox Court House National Historical Park pursuant to this section [amending this section and enacting provisions set out above] may be acquired only by donation."

§§ 450f to 450k. Repealed. Dec. 21, 1944, ch. 634, § 1, 58 Stat. 852

Section 450f, act Aug. 15, 1935, ch. 547, §1, 49 Stat. 652, related to establishment of Patrick Henry National Monument.

Sections 450f-1 and 450f-2, act Jan. 29, 1940, ch. 16, 54 Stat. 18, related to acquisition of Patrick Henry's estate and erection of a permanent public memorial.

Sections 450g to 450k, act Aug. 15, 1935, ch. 547, §§2-6, 49 Stat. 652, 653, related to administration, etc., of Monument.

UNEXPENDED FUNDS

Section 2 of act Dec. 21, 1944, ch. 634, 58 Stat. 853, provided that all unexpended balances of amounts appropriated were to be covered into the surplus fund of the Treasury.

§ 450l. Fort Stanwix National Monument; establishment

When title to the site or portion thereof at Fort Stanwix, in the State of New York, to-

gether with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes, shall have been vested in the United States, said area and improvements, if any, shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people and shall be called the “Fort Stanwix National Monument”: *Provided*, That such area shall include at least that part of Fort Stanwix now belonging to the State of New York.

(Aug. 21, 1935, ch. 592, § 1, 49 Stat. 665.)

§ 450m. Acceptance of donations of lands and funds; acquisition of land

The Secretary of the Interior is authorized to accept donations of land, interests in land and/or buildings, structures, and other property within the boundaries of said national monument as determined and fixed hereunder, and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of section 3113 of title 40, such tracts of land within the said national monument as may be necessary for the completion thereof.

(Aug. 21, 1935, ch. 592, § 2, 49 Stat. 666.)

REFERENCES IN TEXT

Hereunder, referred to in text, means act Aug. 21, 1935, which is classified to sections 450l to 450n of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of 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.

§ 450n. Administration, protection, and development

The administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service subject to the provisions of the Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”,¹ as amended.

(Aug. 21, 1935, ch. 592, § 3, 49 Stat. 666.)

REFERENCES IN TEXT

The Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”, 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 Proce-

dures, 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.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see 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.

§ 450o. Andrew Johnson National Historic Site; authorization

When title to the site of the Andrew Johnson Homestead and the site of the tailor shop in which Andrew Johnson worked (now owned and administered by the State of Tennessee), located in Greeneville, Tennessee, together with such buildings and property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national historic site purposes shall have been vested in the United States, said area and improvements, if any, together with the burial place of Andrew Johnson, now administered as a national cemetery, shall be designated and set apart by proclamation of the President for preservation as a national historic site for the benefit and inspiration of the people and shall be called the “Andrew Johnson National Historic Site.”

(Aug. 29, 1935, ch. 801, § 1, 49 Stat. 958; Pub. L. 88-197, § 1, Dec. 11, 1963, 77 Stat. 349.)

CHANGE OF NAME

“National historic site” substituted in text for “national monument” on authority of Pub. L. 88-197, which redesignated Andrew Johnson National Monument as Andrew Johnson National Historic Site.

ESTABLISHMENT OF MONUMENT; BOUNDARIES

Monument and boundaries established by Presidential Proc. No. 2554, Apr. 27, 1942, 56 Stat. 1955.

§ 450p. Acquisition of property; donations

The Secretary of the Interior is authorized to acquire on behalf of the United States out of any funds allotted and made available for this project by proper authority or out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of section 3113 of title 40, or to accept by donation, such land, interest in land, and/or buildings, structures, and other property within the boundaries of said national historic site as determined and fixed hereunder, and he is further authorized to accept donations of funds for the purchase and/or maintenance thereof.

(Aug. 29, 1935, ch. 801, § 2, 49 Stat. 958; Pub. L. 88-197, § 1, Dec. 11, 1963, 77 Stat. 349.)

REFERENCES IN TEXT

Hereunder, referred to in text, means act Aug. 29, 1935, which is classified to sections 450o to 450q of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888 (25 Stat. 357)” on authority of Pub.

¹ See References in Text note below.