

**§ 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.