

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.

#### § 426c. 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 imposed upon them by sections 426 to 426j of this title.

(Mar. 3, 1927, ch. 374, §4, 44 Stat. 1400; 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.

#### § 426d. 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 Hazen Monument: *Provided*, That the entire cost of acquiring said land, including cost of condemnation proceedings, if any, ascertainment of title, surveys, and compensation for the land, the cost of marking the battlefield, the expenses of the commission, and the establishment of the national military battlefield, shall not exceed the sum of \$100,000.

(Mar. 3, 1927, ch. 374, §5, 44 Stat. 1400; Apr. 15, 1930, ch. 167, 46 Stat. 167; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

#### AMENDMENTS

1930—Act Apr. 15, 1930, inserted “military” between “national” and “park”, authorized construction of roads and walks, planting of trees and shrubs, restoration and care of grounds, including the Hazen Monument, and inserted “and the establishment of the national military park” in proviso.

#### CHANGE OF NAME

“National battlefield” and “battlefield” substituted in text for “national military park” and “park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426*l* of this title.

#### TRANSFER OF FUNCTIONS

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

#### § 426e. Lands acquired declared national battlefield; name

Upon the ceding of jurisdiction by the legislature of the State of Tennessee and the report of the Attorney General of the United States that a perfect title has been acquired, the lands acquired under the provisions of sections 426 to 426j of this title, together with the area already inclosed within the national cemetery at the battlefield of Stones River and the Government reservation in said battlefield upon which is erected a large monument to the memory of the officers and soldiers of General Hazen’s brigade who fell on the spot, are declared to be a national battlefield, to be known as the Stones River National Battlefield.

(Mar. 3, 1927, ch. 374, §6, 44 Stat. 1400; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

#### CHANGE OF NAME

“Stones River National Battlefield” and “national battlefield” substituted in text for “Stones River National Park” and “national park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426*l* of this title.

#### § 426f. Control of battlefield; regulations

The said Stones River National Battlefield shall be under the control of the Secretary of the Interior, and he is authorized to make all needed regulations for the care of the battlefield. The superintendent of the Stones River National Cemetery shall likewise be the superintendent of and have the custody and care of the Stones River National Battlefield, under the direction of the Secretary of the Interior.

(Mar. 3, 1927, ch. 374, §7, 44 Stat. 1400; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-443, §2, Apr. 22, 1960, 74 Stat. 82.)

#### CHANGE OF NAME

“Stones River National Battlefield” and “battlefield” substituted in text for “Stones River National Park” and “park”, respectively, in view of redesignation of Stones River National Military Park as Stones River National Battlefield by Pub. L. 86-443. See section 426*l* of this title.

#### TRANSFER OF FUNCTIONS

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