

## REFERENCES IN TEXT

Sections 428p to 428p-2 of this title, referred to in text, was in the original “this Act”, meaning Pub. L. 108-367, Oct. 25, 2004, 118 Stat. 1743, which enacted this section and sections 428p and 428p-1 of this title, amended section 428k of this title, and enacted provisions set out as a note under section 428 of this title. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 428 of this title and Tables.

The Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, 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 Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and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 (commonly known as the Historic Sites, Buildings, and Antiquities Act; 16 U.S.C. 461 et seq.), referred to in text, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, also known as the Historic Sites Act of 1935, 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 The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service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.

#### § 429. Brices Cross Roads and Tupelo battlefields in Mississippi; establishment

For the purpose of commemorating the battles of Brices Cross Roads, Mississippi, and Tupelo, Mississippi, the Secretary of the Interior is authorized and directed to (1) acquire not to exceed one acre of land, free of cost to the United States, at each of the above-named battle fields, (2) fence each parcel of land so acquired, (3) build an approach to each such parcel of land, and (4) erect a suitable marker on each such parcel of land.

(Feb. 21, 1929, ch. 289, § 1, 45 Stat. 1254; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

## TRANSFER OF FUNCTIONS

“Secretary of the Interior” substituted in text for “Secretary of War” pursuant to Reorg. Plan No. 3 of 1950, §§ 1, 2; Ex. Ord. No. 6166, § 2; and Ex. Ord. No. 6228, § 1. See below.

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

Ex. Ord. No. 6166, § 2, and Ex. Ord. No. 6228, § 1, set out as a note under section 901 of Title 5, transferred the administrative functions of Brices Cross Roads and Tupelo battlefield sites to the Department of the Interior.

#### § 429a. Jurisdiction and control; authorization of annual appropriation

Each parcel of land acquired under section 429 of this title shall be under the jurisdiction and

control of the Secretary of the Interior, and there is authorized to be appropriated for the maintenance of each such parcel of land, fence, approach, and marker a sum not to exceed \$250 per annum.

(Feb. 21, 1929, ch. 289, § 3, 45 Stat. 1254; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

## TRANSFER OF FUNCTIONS

“Secretary of the Interior” substituted in text for “Secretary of War” pursuant to Reorg. Plan No. 3 of 1950, §§ 1, 2; Ex. Ord. No. 6166, § 2; and Ex. Ord. No. 6228, § 1. See below.

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

Ex. Ord. No. 6166, § 2, and Ex. Ord. No. 6228, § 1, set out as a note under section 901 of Title 5, transferred the administrative functions of Brices Cross Roads and Tupelo battlefield sites to the Department of the Interior.

#### § 429a-1. Tupelo National Battlefield; acquisition of additional lands

To further the purposes of sections 429 and 429a of this title, the Secretary of the Interior may acquire by donation or with donated funds not to exceed one-half acre of land and interests in land for addition to the adjoining Tupelo National Battlefield site.

(Pub. L. 87-133, § 1, Aug. 10, 1961, 75 Stat. 336.)

#### § 429a-2. Change in name to Tupelo National Battlefield; administration

The Tupelo National Battlefield site is redesignated the Tupelo National Battlefield which shall continue to be administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, entitled “An Act to establish a National Park Service, and for other purposes.”<sup>1</sup>

(Pub. L. 87-133, § 2, Aug. 10, 1961, 75 Stat. 336.)

## REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535), 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 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.

#### § 429b. Manassas National Battlefield Park

##### (a) Establishment; boundaries

There is established as a unit of the national park system in the Commonwealth of Virginia the Manassas National Battlefield Park, which

<sup>1</sup> See References in Text note below.

shall contain within its boundaries the important historical lands relating to the two battles of Manassas. The total area of the park shall not be greater than four thousand five hundred and twenty-five acres. The boundaries of the park shall be the boundaries depicted on the map entitled "Boundary Map, Manassas National Battlefield Park", dated October 1980, and numbered 379/80,009, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall publish in the Federal Register, as soon as practicable after the date of the enactment of this Act, but no later than one year from the effective date of this section, a detailed description and map of the boundaries. Notwithstanding section 100506(c) of title 54, the Secretary may not make any changes in the boundaries of the park. The Secretary shall administer the park in accordance with laws, rules, and regulations applicable to the national park system.

**(b) Addition to park**

(1) In addition to subsection (a), the boundaries of the park shall include the area, comprising approximately 600 acres, which is south of U.S. Route 29, north of Interstate Route 66, east of Route 705, and west of Route 622. Such area shall hereafter in sections 429b to 429b-5 of this title be referred to as the "Addition".

(2)(A) Notwithstanding any other provision of law, effective on November 10, 1988, there is hereby vested in the United States all right, title, and interest in and to, and the right to immediate possession of, all the real property within the Addition.

(B) The United States shall pay just compensation to the owners of any property taken pursuant to this paragraph and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of such property. Payment shall be in the amount of the agreed negotiated value of such property or the valuation of such property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to 31 U.S.C. 1304. Such payment shall include interest on the value of such property which shall be compounded quarterly and computed at the rate applicable for the period involved, as determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities from November 10, 1988, to the last day of the month preceding the date on which payment is made.

(C) In the absence of a negotiated settlement, or an action by the owner, within 1 year after November 10, 1988, the Secretary may initiate a proceeding at anytime seeking in a court of competent jurisdiction a determination of just compensation with respect to the taking of such property.

(3) Not later than 6 months after November 10, 1988, the Secretary shall publish in the Federal Register a detailed description and map depicting the boundaries of the Addition. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

**(c) Use of addition**

The Secretary shall not allow any unauthorized use of the Addition after November 10, 1988, except that the Secretary may permit the orderly termination of all operations on the Addition and the removal of equipment, facilities, and personal property from the Addition.

(Apr. 17, 1954, ch. 153, §1, 68 Stat. 56, as renumbered and amended Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1885; Pub. L. 100-647, title X, §10002, Nov. 10, 1988, 102 Stat. 3810.)

REFERENCES IN TEXT

The date of the enactment of this Act and effective date of this Act, referred to in subsec. (a), probably means the date of the enactment of the Manassas National Battlefield Park Amendments of 1980, Pub. L. 96-442, which was approved Oct. 13, 1980.

CODIFICATION

In subsec. (a), "section 100506(c) of title 54" substituted for "section 7(c) of the Land and Water Conservation Fund Act of 1965 (91 Stat. 211), as amended (16 U.S.C. 460l)" on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

AMENDMENTS

1988—Pub. L. 100-647 designated existing provisions as subsec. (a) and added subsections. (b) and (c).

1980—Pub. L. 96-442 substituted a referenced map for specific boundaries, limited the expanded battlefield park to 4,525 acres, included the park in the National Park System, required the Secretary to publish more detailed map, prohibited the Secretary from making boundary adjustments and required him to administer the Park in accordance with the laws and regulations applicable to the National Park System.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-647, title X, §10001, Nov. 10, 1988, 102 Stat. 3810, provided that: "This title [amending this section and section 429b-1 of this title and enacting provisions set out as a note below] may be cited as the 'Manassas National Battlefield Park Amendments of 1988'."

SHORT TITLE

Pub. L. 96-442, §1, Oct. 13, 1980, 94 Stat. 1885, provided: "That this Act [enacting sections 429b-1 to 429b-5 of this title, amending this section, and enacting provisions set out as a note under section 460cc of this title] may be cited as the 'Manassas National Battlefield Park Amendments of 1980'."

HIGHWAY RELOCATION

Pub. L. 100-647, title X, §10004, Nov. 10, 1988, 102 Stat. 3811, provided that:

"(a) STUDY.—The Secretary of the Interior (hereafter in this section referred to as the 'Secretary'), in consultation and consensus with the Commonwealth of Virginia, the Federal Highway Administration, and Prince William County, shall conduct a study regarding the relocation of highways (known as routes 29 and 234) in, and in the vicinity of, the Manassas National Battlefield Park (hereinafter in this section referred to as the 'park'). The study shall include an assessment of the available alternatives, together with cost estimates and recommendations regarding preferred options. The study shall specifically consider and develop plans for the closing of those public highways (known as routes 29 and 234) that transect the park and shall include analysis of the timing and method of such closures and of means to provide alternative routes for traffic now transecting the park. The Secretary shall provide for extensive public involvement in the preparation of the study.

“(b) DETERMINATION.—Within 1 year after the enactment of this Act [Nov. 10, 1988], the Secretary shall complete the study under subsection (a). The study shall determine when and how the highways (known as routes 29 and 234) should be closed.

“(c) ASSISTANCE.—The Secretary shall provide funds to the appropriate construction agency for the construction and improvement of the highways to be used for the rerouting of traffic now utilizing highways (known as routes 29 and 234) to be closed pursuant to subsection (b) if the construction and improvement of such alternatives are deemed by the Secretary to be in the interest of protecting the integrity of the park. Not more than 75 percent of the costs of such construction and improvement shall be provided by the Secretary and at least 25 percent shall be provided by State or local governments from any source other than Federal funds. Such construction and improvement shall be approved by the Secretary of Transportation.

“(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary not to exceed \$30,000,000 to prepare the study required by subsection (a) and to provide the funding described in subsection (c).”

#### § 429b-1. Acquisition and use of lands

##### (a) Acquisition of property or interests in property; scenic preservation of views

(1) In order to effectuate the purposes of sections 429b to 429b-5 of this title, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds or exchange, any property or interests therein which are located within the boundaries of the park, except that property owned by the Commonwealth of Virginia or by any political subdivision thereof may be acquired only by donation.

(2) The Secretary shall cooperate with the Commonwealth of Virginia, the political subdivisions thereof, and other parties as designated by the Commonwealth or its political subdivisions in order to promote and achieve scenic preservation of views from within the park through zoning and such other means as the parties determine feasible.

##### (b) Acquisition of fee simple title with the consent of owner; hearing and review

With respect to areas within the 1954 boundaries of the park, as identified on the map referred to in section 429b of this title, the Secretary may not acquire fee simple title to such areas without the consent of the owner so long as the lands continue to be devoted to a use which is the same as that in effect on September 1, 1980. Further, if the Secretary proposes to acquire fee simple title to such property because of a change in use, the owner of such property may seek a review of the proposed acquisition of his or her property and is entitled to a hearing on the record in accordance with section 554 of title 5.

##### (c) Secretary authorized to make land available for Route 234 bypass

If the Virginia Department of Highways and Transportation determines that the proposed Route 234 bypass should be properly located between the Virginia Electric Power Company powerline easement and route 705, the Secretary shall make available the land necessary for such bypass, subject to such revisions, terms, and conditions as the Secretary deems are necessary and appropriate to assure that such bypass is located, constructed, operated, and maintained in

a manner consistent with the administration of the park.

##### (d) Secretary not to close State roads

The Secretary may not close any State roads within the park unless action permitting the closing of such roads has been taken by appropriate officials of the Commonwealth of Virginia.

(Apr. 17, 1954, ch. 153, § 2, as added Pub. L. 96-442, § 2, Oct. 13, 1980, 94 Stat. 1885; amended Pub. L. 100-647, title X, § 10003, Nov. 10, 1988, 102 Stat. 3811.)

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-647 designated existing provisions as par. (1) and added par. (2).

#### § 429b-2. Retention of right of use and occupation of improved property by owner

##### (a) Time limits; compensation

Subsequent to October 13, 1980, the owner of 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 noncommercial 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 death of the spouse of the owner, 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 an amount equal to the fair market value of the property on the date of its acquisition less the value on such date of the right retained by the owner. If such property is donated (in whole or in part) to the United States, the Secretary may pay to the owner such lesser amount as the owner may agree to. 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 sections 429b to 429b-5 of this title, 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.

##### (b) Displaced person; waiver of benefits

No property owner who elects to retain a right of use and occupancy under this section shall be considered a displaced person as defined in section 4601(6) of title 42. Such owners shall be considered to have waived any benefits which would otherwise accrue to them under sections 4623 to 4626 of title 42.

(Apr. 17, 1954, ch. 153, § 3, as added Pub. L. 96-442, § 2, Oct. 13, 1980, 94 Stat. 1886.)

#### § 429b-3. Definitions

For purposes of sections 429b to 429b-5 of this title—

(1) The term “improved property” means a detached, one-family dwelling, construction of which was begun before January 1, 1979, which is used for noncommercial residential pur-