

change. Any lands or interests in lands owned by the State of Tennessee or any political subdivision thereof may be acquired only by donation. Lands and interests therein acquired pursuant to sections 426n to 426p of this title shall become part of the battlefield, subject to all the laws and regulations applicable thereto.

(2)(A) Before acquiring any lands under sections 426n to 426p of this title where the surface of such lands has been substantially disturbed or which are believed by the Secretary to contain hazardous substances, the Secretary shall prepare a report on the potential hazardous substances associated with such lands and the estimated cost of restoring such lands, together with a plan of the remedial measures necessary to allow acquisition of such lands to proceed in a timely manner, consistent with the requirements of subparagraph (B). The Secretary shall submit such report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natural Resources of the United States House of Representatives.

(B) The Secretary shall not acquire any lands under sections 426n to 426p of this title if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(3)(A) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain, as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed 25 years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever is later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(B) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of sections 426n to 426p of this title. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(C) This paragraph applies only to owners who have reached the age of majority.

(D) As used in this paragraph, the term "improved property" means a detached, year-round noncommercial residential dwelling, the construction of which was begun before December 11, 1991, together with so much of the land on

which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(Pub. L. 100-205, §1, Dec. 23, 1987, 101 Stat. 1433; Pub. L. 102-225, §1(1), (2), Dec. 11, 1991, 105 Stat. 1682; Pub. L. 103-437, §6(d)(15), Nov. 2, 1994, 108 Stat. 4584.)

REFERENCES IN TEXT

The Comprehensive Environmental Response, Compensation, and Liability Act, referred to in subsec. (b)(2)(B), probably means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510, Dec. 11, 1980, 94 Stat. 2767, as amended, which is classified principally to chapter 103 (§9601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9601 of Title 42 and Tables.

AMENDMENTS

1994—Subsec. (b)(2)(A). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1991—Subsec. (a). Pub. L. 102-225, §1(1), substituted "numbered 327/80.004B, and dated November 1991" for "numbered 327/80.001, and dated March 1987".

Subsec. (b). Pub. L. 102-225, §1(2), designated existing provisions as par. (1) and added pars. (2) and (3).

§ 426o. Agreement with Murfreesboro, Tennessee, respecting battlefield

The Secretary is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, containing each of the following provisions—

(1) If the city agrees to acquire sufficient interest in land to construct a trail linking the battlefield with Fortress Rosecrans, to construct such trail, and to operate and maintain the trail in accordance with standards approved by the Secretary, the Secretary shall (A) transfer to the city the funds available to the Secretary for the acquisition of such lands and for the construction of the trail, and (B) provide technical assistance to the city and to Rutherford County for the purpose of development and planning of the trail.

(2) The Secretary shall agree to accept the transfer by donation from the city of the remnants of Fortress Rosecrans at Old Fort Park, and following such transfer, to preserve and interpret the fortress as part of the battlefield.

(3) In administering the Fortress Rosecrans, the Secretary is authorized to enter a cooperative agreement with the city of Murfreesboro, Tennessee, for the rendering, on a non-reimbursable basis, of rescue, firefighting, and law enforcement services and cooperative assistance by nearby law enforcement and fire preventive agencies.

(Pub. L. 100-205, §2, Dec. 23, 1987, 101 Stat. 1433; Pub. L. 102-225, §1(3), Dec. 11, 1991, 105 Stat. 1683.)

AMENDMENTS

1991—Pub. L. 102-225 amended section generally. Prior to amendment, section read as follows: "The Secretary

is authorized to enter into an agreement with the city of Murfreesboro, Tennessee, under which (1) the Secretary shall acquire sufficient interest in land and shall construct thereon a trail linking the battlefield with Fortress Rosecrans, (2) the city shall operate and maintain the trail in accordance with standards approved by the Secretary, and (3) the Secretary shall preserve the existing remnants of Fortress Rosecrans and the city shall operate and maintain the fortress.”

§ 426o-1. Planning

(a) Preparation of plan for Redoubt Brannan

The Secretary shall, on or before February 1, 1992, prepare a plan for the preservation and interpretation of Redoubt Brannan.

(b) Update of General Management Plan

The Secretary shall, on or before March 31, 1993, update the General Management Plan for the Stones River National Battlefield.

(c) Technical assistance

The Secretary is authorized to provide technical assistance to the city and to Rutherford County in the development of zoning ordinances and other land use controls that would help preserve historically significant areas adjacent to the battlefield.

(d) Minor boundary revisions

If the planning activities conducted under subsections (a) and (b) of this section show a need for minor revisions of the boundaries indicated on the map referred to in section 426n of this title, the Secretary may, following timely notice in writing to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so and providing an opportunity for public comment, make such minor revisions by publication of a revised boundary map or other description in the Federal Register.

(Pub. L. 100-205, §3, as added Pub. L. 102-225, §1(4), Dec. 11, 1991, 105 Stat. 1683; amended Pub. L. 103-437, §6(d)(15), Nov. 2, 1994, 108 Stat. 4584.)

PRIOR PROVISIONS

A prior section 3 of Pub. L. 100-205 was renumbered section 4 and is classified to section 426p of this title.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

§ 426p. Authorization of appropriations

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 426n to 426p of this title.

(Pub. L. 100-205, §4, formerly §3, Dec. 23, 1987, 101 Stat. 1433; renumbered §4, Pub. L. 102-225, §1(4), Dec. 11, 1991, 105 Stat. 1683.)

§ 427. Site of battle with Sioux Indians; purchase; erection of monument

The Secretary of the Interior is authorized and directed to acquire, by condemnation or otherwise, such land as may be deemed appropriate, not exceeding one hundred and sixty acres, on

the site of the battle with the Sioux Indians in which the commands of Major Marcus A. Reno and Major Frederick W. Benteen were engaged, and to erect thereon a suitable monument and historical tablet.

(Apr. 14, 1926, ch. 138, §1, 44 Stat. 251.)

§ 427a. Omitted

CODIFICATION

Section, act Apr. 14, 1926, ch. 138, §2, 44 Stat. 251, made appropriation of \$2,500 for carrying out of provisions of section 427 of this title.

§ 428. Fort Donelson 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. 26, 1928, ch. 248, §1, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

CHANGE OF NAME

“Fort Donelson National Military Park” redesignated “Fort Donelson National Battlefield” by Pub. L. 86-738, §4. See section 428n of this title.

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-367, §1, Oct. 25, 2004, 118 Stat. 1743, provided that: “This Act [enacting sections 428p to 428p-2 of this title and amending section 428k of this title] may be cited as the ‘Fort Donelson National Battlefield Expansion Act of 2004.’”

TRANSFER OF FUNCTIONS

Administrative functions of Fort Donelson 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 Fort Donelson National Battlefield assigned to Department of the Interior by section 5 of Pub. L. 86-738, set out as section 428o 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.

§ 428a. Qualifications of members of commission

In appointing the members of the commission created by section 428 of this title the Secretary of the Interior shall, as far as practicable, select persons familiar with the terrain of the battlefield of Fort Donelson, Tennessee, and the historical events associated therewith.

(Mar. 26, 1928, ch. 248, §2, 45 Stat. 367; Ex. Ord. No. 6166, §2, June 10, 1933; Ex. Ord. No. 6228, §1, July 28, 1933; Pub. L. 86-738, §5, Sept. 8, 1960, 74 Stat. 876.)

TRANSFER OF FUNCTIONS

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