

(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. 4607)" 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 subsecs. (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 purposes, together with not to exceed three acres of land on which the dwelling is situated and 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.

(2) The term “park” means the Manassas National Battlefield Park established under sections 429b to 429b-5 of this title.

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “owner” means the owner of record as of September 1, 1980.

(Apr. 17, 1954, ch. 153, §4, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)

**§ 429b-4. Funds from Land and Water Conservation Fund**

**(a) Maximum amount usable for acquisition of property**

In addition to sums heretofore expended for the acquisition of property and interests therein for the park, from funds available for expenditure from the Land and Water Conservation Fund, as established under the Land and Water Conservation Fund Act of 1965,<sup>1</sup> not more than a total of \$8,700,000 may be expended for the acquisition of property and interests therein under sections 429b to 429b-5 of this title.

**(b) Completion of acquisition in two years**

It is the express intent of Congress that, except for property referred to in section 429b-1(b) of this title, the Secretary shall acquire property and interests therein under sections 429b to 429b-5 of this title within two complete fiscal years after October 13, 1980.

(Apr. 17, 1954, ch. 153, §5, as added Pub. L. 96-442, §2, Oct. 13, 1980, 94 Stat. 1886.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, which was classified principally to part B (§4601-4 et seq.) of subchapter LXIX of this chapter. Sections 2, 3, 4(i)(1)(C), (j) to (n), 5 to 10, and 201 of the Act were repealed and restated as sections 100506(c) and 100904 and chapter 2003 of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 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-5. Funding limitations; contracting authority, etc.**

**(a) Effective date of authorizations**

Authorizations of moneys to be appropriated under sections 429b to 429b-5 of this title from

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