

and interests therein consisting of six parcels totaling 615 acres and identified as parcels “1, 2, 3, 4, 5, and 6” on the map entitled “Wilson’s Creek National Battlefield Proposed Boundary”, numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) The Secretary is authorized to acquire the lands referred to in paragraph (1) by donation, by purchase from willing sellers with donated or appropriated funds, or by exchange. The Secretary may acquire by the same methods personal property associated with, and appropriate for, interpretation of the park.

(c) Access to private property

Nothing in sections 430kk to 430mm of this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(d) Liability

The revision of the boundaries of the Wilson’s Creek National Battlefield by subsection (b) shall not be considered to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

(e) Recognition of authority to control land use

Nothing in sections 430kk to 430mm of this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(f) Participation of private property owners

Nothing in sections 430kk to 430mm of this title shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

(g) Effect of expansion

The boundaries of the Wilson’s Creek National Battlefield, as revised by subsection (b), represent the area within which Federal funds appropriated for the purpose of sections 430kk to 430mm of this title may be expended. The boundary revision shall not be construed to provide any nonexistent regulatory authority on land use within the National Battlefield or its viewshed by the Secretary or the National Park Service.

(Pub. L. 86-434, §1, Apr. 22, 1960, 74 Stat. 76; Pub. L. 108-394, §2(a), Oct. 30, 2004, 118 Stat. 2247.)

AMENDMENTS

2004—Pub. L. 108-394 inserted section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (g).

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-394, §1, Oct. 30, 2004, 118 Stat. 2247, provided that: “This Act [amending this section and section 430mm of this title] may be cited as the ‘Wilson’s

Creek National Battlefield Boundary Adjustment Act of 2004.’”

§ 430ll. Designation

(a) Administration, protection, and development

The lands acquired under section 430kk of this title shall be set aside as a public park for the benefit and enjoyment of the people of the United States, and shall be designated as the Wilson’s Creek National Battlefield. The National Park Service, under the direction of the Secretary of the Interior, shall administer, protect, and develop the park, subject to the provisions of the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535).¹

(b) Improvements

In order to provide for the proper development and maintenance of the park, the Secretary of the Interior shall construct and maintain therein such roads, trails, markers, buildings, and other improvements, and such facilities for the care and accommodation of visitors, as he may deem necessary.

(Pub. L. 86-434, §2, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, §1(a), Dec. 16, 1970, 84 Stat. 1441.)

REFERENCES IN TEXT

The Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (39 Stat. 535), referred to in subsec. (a), 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.

AMENDMENTS

1970—Pub. L. 91-554 substituted “Wilson’s Creek National Battlefield” for “Wilson’s Creek Battlefield National Park”.

§ 430mm. Authorization of appropriations

For development of the Wilson’s Creek National Battlefield, there are authorized to be appropriated not more than \$5,640,000. There are authorized to be appropriated such sums as may be necessary to carry out section 430kk(b) of this title.

(Pub. L. 86-434, §3, Apr. 22, 1960, 74 Stat. 76; Pub. L. 91-554, §1(b), Dec. 16, 1970, 84 Stat. 1441; Pub. L. 95-625, title I, §101(29), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 108-394, §2(b), Oct. 30, 2004, 118 Stat. 2248.)

AMENDMENTS

2004—Pub. L. 108-394 inserted last sentence.
1978—Pub. L. 95-625 substituted “\$5,640,000.” for “\$2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction cost indices applicable to the types of construction involved herein.”

¹ See References in Text note below.

1970—Pub. L. 91-554 increased authorization of appropriations from not more than \$120,000 to not more than \$2,285,000 (March 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices.

§ 430nn. Antietam Battlefield site; acquisition of lands, buildings, structures, and other property

The Secretary of the Interior is authorized, in his discretion, to acquire in behalf of the United States, through donations or by purchase at prices deemed by him reasonable or by condemnation in accordance with section 3113 of title 40, lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Antietam Battlefield site, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided*, That payment for such property or interests shall be made solely from donated funds. All such property and interests shall be a part of the Antietam Battlefield site and shall be subject to all laws and regulations applicable thereto.

(May 14, 1940, ch. 191, 54 Stat. 212.)

CODIFICATION

“Section 3113 of title 40” substituted in text for “the Act of August 1, 1888 (25 Stat. 357)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

ANTIETAM NATIONAL BATTLEFIELD SITE REDESIGNATED AS ANTIETAM NATIONAL BATTLEFIELD; BOUNDARY REVISION

Pub. L. 95-625, title III, §319(b), Nov. 10, 1978, 92 Stat. 3488, as amended by Pub. L. 100-528, §1(c), Oct. 25, 1988, 102 Stat. 2649, provided that: “The Antietam National Battlefield Site established pursuant to such Act of April 22, 1960 [section 430oo of this title] is hereby redesignated the ‘Antietam National Battlefield’. The boundaries of such battlefield are hereby revised to include the area generally depicted on the map referenced in subsection (a) of this section [set out as a note under section 430oo of this title], which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.”

§ 430oo. Acquisition of lands for preservation, protection and improvement; limitation

The Secretary of the Interior is authorized to acquire such lands and interests in land and to enter into such agreements with the owners of land on behalf of themselves, their heirs and assigns with respect to the use thereof as the Secretary finds necessary to preserve, protect and improve the Antietam Battlefield comprising approximately 1,800 acres in the State of Maryland and the property of the United States thereon, to assure the public a full and unimpeded view thereof, and to provide for the maintenance of the site (other than those portions thereof which are occupied by public buildings and monuments and the Antietam National Cemetery) in, or its restoration to, substantially the condition in which it was at the time of the battle of Antietam. Any acquisition authorized by this section may be made without regard to the limitation set forth in the proviso contained in section 430nn of this title.

(Pub. L. 86-438, Apr. 22, 1960, 74 Stat. 79; Pub. L. 93-608, §1(11), Jan. 2, 1975, 88 Stat. 1969; Pub. L. 100-528, §1(a), Oct. 25, 1988, 102 Stat. 2649.)

AMENDMENTS

1988—Pub. L. 100-528 struck out after first sentence “Not more than 600 acres of land, however, shall be acquired in fee by purchase or condemnation, but neither this limitation nor any other provision of law shall preclude such acquisition of the fee title to other lands and its immediate reconveyance to the former owner with such covenants, restrictions, or conditions as will accomplish the purposes of this section: *Provided*, That the cost to the Government of any such transaction shall not exceed the reasonable value of the covenants, restrictions, or conditions thereby imposed on the property.”

1975—Pub. L. 93-608 struck out requirement that Secretary report to Congress at least once each year on any acquisition made or agreement entered into under provisions of this section.

SCENIC EASEMENTS; ACQUISITION

Pub. L. 95-625, title III, §319(a), Nov. 10, 1978, 92 Stat. 3488, as amended by Pub. L. 100-528, §1(b), Oct. 25, 1988, 102 Stat. 2649, provided that: “In furtherance of the purposes of the Act entitled ‘An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland’, approved April 22, 1960 (74 Stat. 79) [this section], and other Acts relative thereto [see section 430nn of this title], the Secretary is hereby authorized to acquire the additional lands generally depicted on the map entitled ‘Boundary Map, Antietam National Battlefield, Washington County, Maryland’, numbered 302-80.005-A and dated June 1977.”

§ 430pp. Fort Necessity National Battlefield; acquisition of land

In furtherance of the purposes of the Act of March 4, 1931 (46 Stat. 1522), the Secretary of the Interior is authorized to acquire by purchase, exchange, donation, with donated funds or otherwise by such means as he may deem to be in the public interest, lands and interests in lands adjoining or near the Fort Necessity National Battlefield site which in his discretion are necessary to preserve the historic battleground, together with not to exceed 25 acres at the detached Braddock Monument: *Provided*, That the total area acquired pursuant to sections 430pp to 430tt of this title shall not exceed 500 acres, except that in order to avoid the undesirable severance of parcels in private ownership such parcels may be purchased in the entirety.

(Pub. L. 87-134, §1, Aug. 10, 1961, 75 Stat. 336.)

REFERENCES IN TEXT

Act of March 4, 1931 (46 Stat. 1522), referred to in text, was not classified to the Code.

§ 430qq. Exchange of lands

The Secretary of the Interior, in order to implement the purposes of section 430pp of this title, is authorized to exchange lands which may be acquired pursuant to sections 430pp to 430tt of this title for other lands or interests therein of approximately equal value lying within the original George Washington land patent at Fort Necessity.

(Pub. L. 87-134, §2, Aug. 10, 1961, 75 Stat. 336.)

§ 430rr. Change in name to Fort Necessity National Battlefield

The Fort Necessity National Battlefield site is redesignated as the Fort Necessity National