

Executive Documents

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425g. Protection of monuments, etc.

If any person shall, except by permission of the Secretary of the Interior, destroy, mutilate, deface, injure, or remove any monument, column, statue, memorial structure, or work of art that shall be erected or placed upon the grounds of the park by lawful authority, or shall destroy or remove any fence, railing, inclosure, or other work for the protection or ornament of said park, or any portion thereof, or shall destroy, cut, hack, bark, break down, or otherwise injure any tree, bush, or shrubbery that may be growing upon said park, or shall cut down or fell or remove any timber, battle relic, tree or trees growing or being upon said park, or hunt within the limits of the park, or shall remove or destroy any breastworks, earthworks, walls, or other defenses or shelter or any part thereof constructed by the armies formerly engaged in the battles on the lands or approaches to the park, any person so offending and found guilty thereof before any justice of the peace of the county in which the offense may be committed, or any court of competent jurisdiction, shall for each and every such offense forfeit and pay a fine, in the discretion of the justice, according to the aggravation of the offense, of not less than \$5 nor more than \$50, one-half for the use of the park and the other half to the informer, to be enforced and recovered before such justice in like manner as debts of like nature were, on February 14, 1927, by law recoverable in the several counties where the offense may be committed.

(Feb. 14, 1927, ch. 127, § 8, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

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§ 425h. Rules and regulations

The Secretary of the Interior, subject to the approval of the President, shall have the power to make and shall make all needful rules and regulations for the care of the park, and for the establishment and marking of lines of battle and other historical features of the park.

(Feb. 14, 1927, ch. 127, § 9, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

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§ 425i. Report of completion of acquisition of land and work of commission; superintendent of park

Upon completion of the acquisition of the land and the work of the commission, the Secretary

of the Interior shall render a report thereon to Congress, and thereafter the park shall be placed in charge of a superintendent at a salary to be fixed by the Secretary of the Interior and paid out of the appropriation available for the maintenance of the park.

(Feb. 14, 1927, ch. 127, § 10, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

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§ 425j. Authorization of appropriation

To enable the Secretary of the Interior to begin to carry out the provisions of sections 425 to 425j of this title, including the condemnation, purchase, or lease of the necessary lands, surveys, maps, marking the boundaries of the park, opening, constructing, or repairing necessary roads, pay and expenses of commissioners, salaries for labor and services, traveling expenses, supplies and materials, the sum of \$50,000 is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to remain available until expended, and such additional sums are authorized to be appropriated from time to time as may be necessary for the completion of the project and for the proper maintenance of said park. All disbursements under said sections shall be annually reported by the Secretary of the Interior to Congress.

(Feb. 14, 1927, ch. 127, § 11, 44 Stat. 1094; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

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Transfer of administrative functions of park, see note set out under section 425 of this title.

§ 425k. Revision of park boundaries**(a) Boundary revision**

In furtherance of the purposes of sections 425 to 425j of this title, the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park (hereinafter in sections 425k to 425o of this title referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Proposed Park Boundary" on the maps entitled "Fredericksburg and Spotsylvania National Military Park", numbered 326-40075D/89, 326-40074E/89, 326-40069B/89, 326-40070D/89, 326-40071C/89, 326-40076A/89, and 326-40073D/89, and dated June 1989, and the map entitled "Fredericksburg and Spotsylvania National Military Park," numbered 326-40072E/89/A and dated September 1990. The maps shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) Excluded lands

Lands and interests in lands within the boundary depicted on the maps referred to in subsection (a) as "Existing Park Boundary" but

outside of the boundary depicted as “Proposed Park Boundary” are hereby excluded from the park, in accordance with the provisions of section 425I(b) of this title. The Secretary of the Interior (hereinafter referred to as the “Secretary”) may relinquish to the Commonwealth of Virginia exclusive or concurrent legislative jurisdiction over lands excluded from the park by this section by filing with the Governor a notice of relinquishment. Such relinquishment shall take effect upon acceptance thereof, or as the laws of the Commonwealth may otherwise provide.

(Pub. L. 101–214, §2, Dec. 11, 1989, 103 Stat. 1849; Pub. L. 102–541, §2(a), Oct. 27, 1992, 106 Stat. 3565; Pub. L. 106–150, §1(c), Dec. 9, 1999, 113 Stat. 1730.)

Editorial Notes

AMENDMENTS

1999—Subsec. (a). Pub. L. 106–150 substituted “Spotsylvania National” for “Spotsylvania National”.

1992—Subsec. (a). Pub. L. 102–541 struck out “326–40072E/89.” after “326–40071C/89.” and substituted “1989, and the map entitled ‘Fredericksburg and Spotsylvania National Military Park,’ numbered 326–40072E/89/A and dated September, 1990.” for “1989.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102–541, §2(a)(2), Oct. 27, 1992, 106 Stat. 3565, provided in part that amendment of this section by Pub. L. 102–541 was not to be effective until the lands included within the proposed new boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to Pub. L. 102–541 had been donated to the Secretary of the Interior, prior to repeal by Pub. L. 106–150, §1(a), Dec. 9, 1999, 113 Stat. 1730.

SHORT TITLE

Pub. L. 101–214, §1, Dec. 11, 1989, 103 Stat. 1849, provided that: “This Act [enacting this section and sections 425I to 425O of this title] may be cited as the ‘Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park Expansion Act of 1989’.”

CONGRESSIONAL FINDINGS RELATING TO PARK EXPANSION

Pub. L. 102–541, §1, Oct. 27, 1992, 106 Stat. 3565, provided that: “Congress finds that the land area near Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Virginia, located south and west of the intersection of the Orange Plank Road and Brock Road in Spotsylvania County was strategically significant ground associated with the battle of the Civil War known as the Battle of the Wilderness, and that the tract of land adjacent to such area known as ‘Longstreet’s Flank Attack’ was also strategically significant to that battle.”

ACQUISITION OF CERTAIN LANDS BY DONATION ONLY

Pub. L. 102–541, §2(b), Oct. 27, 1992, 106 Stat. 3565, provided that lands included within the boundaries of the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park pursuant to that section, amending this section and enacting provisions formerly set out as a note above, could be acquired only by donation, prior to repeal by Pub. L. 106–150, §1(b)(2), Dec. 9, 1999, 113 Stat. 1730.

§ 425I. Acquisitions and conveyances

(a) Acquisition

(1) Except as provided in paragraph (2), the Secretary is authorized to acquire lands and in-

terests in lands within the park, by donation, purchase with donated or appropriated funds or by exchange.

(2) The lands designated “P04–04” on the map referred to in section 425k(a) of this title numbered 326–40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated “P04–01”, “P04–02”, and “P04–03” on such map may be acquired only by donation, purchase from willing sellers, or exchange.

(b) Conveyance of lands excluded from park

(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 425k(b) of this title for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after December 11, 1989, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(c) Alternative access

In order to facilitate the acquisition by the United States of existing easements or rights of access across Federal lands within the park and to provide the owners of such easements or rights of access with alternative rights of access across nonpark lands, the Secretary may acquire, by donation, purchase with donated or appropriated funds, or exchange, interests in land of similar estate across lands which are not within the park. With or without the acceptance of payment of cash to equalize the values of the properties, the Secretary may convey such nonpark lands or interests in lands to the holders of such existing easements or rights of access across Federal lands within the park in exchange for their conveyance to the United States of such easements or rights. Nothing in sections 425k to 425o of this title shall prohibit the Secretary from acquiring any outstanding easements or rights of access across Federal lands by donation, purchase with donated or appropriated funds or by exchange.

(d) Conservation easements

The Secretary is authorized to accept donations of conservation easements on lands adjacent to the park. Such conservation easements shall have the effect of protecting the scenic and historic resources on park lands and the adjacent lands or preserving the undeveloped or historic appearance of the park when viewed from within or without the park.