

TRANSFER OF FUNCTIONS

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

§ 436. Omitted

CODIFICATION

Section, act Apr. 9, 1924, ch. 86, § 3, 43 Stat. 90, related to transfer by Secretary of Agriculture to Secretary of the Interior for road purposes of part of material, equipment and supplies received from Secretary of War.

§ 437. Fort McHenry; restoration and preservation

The Secretary of the Interior is authorized and directed to begin the restoration of Fort McHenry, in the State of Maryland, including the restoration of the old Fort McHenry proper to such a condition as would make it suitable for preservation permanently as a national monument and perpetual national memorial shrine as the birthplace of the immortal "Star-Spangled Banner" written by Francis Scott Key, and he is further authorized and directed, as are his successors, to hold the said Fort McHenry in perpetuity as a military reservation, national monument and historic shrine, and to maintain it as such, except that part mentioned in section 439 of this title, and that part in use on March 3, 1925, by the Department of Commerce for a light and fog-signal station under revocable license from the Interior Department with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be reserved by the Secretary of the Army for the use of the Chief of Engineers, the said reservation to be maintained as a national public monument, subject to such regulations as may from time to time be issued by the Secretary of the Interior.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; Aug. 11, 1939, ch. 686, 53 Stat. 1405; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

This section and sections 438 to 440 of this title were derived from act Mar. 3, 1925, which was entitled "An act to repeal and reenact chapter 100, 1914, Public, Numbered 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal 'Star-Spangled Banner,' written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes." The enacting clause reads as follows: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside be, and hereby is, repealed and reenacted to read as follows:"

As reenacted in 1925 this section recites that Fort McHenry is "now" occupied and used as a military reservation and authorized the restoration "so soon as it may no longer be needed for uses and needs growing out of the late war." The foregoing provisions have been omitted as temporary.

The words of this section "on March 3, 1925" refer to the date of passage of the Act.

CHANGE OF NAME

"National monument and historic shrine" substituted in text for "national park, and memorial" in view of redesignation of Fort McHenry National Park as Fort McHenry National Monument and Historic Shrine by act Aug. 11, 1939, classified to section 440a of this title.

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

TRANSFER OF FUNCTIONS

Administrative functions of Fort McHenry National 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.

National Park Service substituted for Office of National Parks, Buildings, and Reservations referred to in Ex. Ord. No. 6166, by act Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, § 3, 61 Stat. 451, provided that in the interpretation of these sections, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

§ 438. Repairs and improvements; how made

Any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans which shall be approved by the Secretary of the Interior, and all such repairs, improvements, or alterations shall be made at the expense of the United States, and all such improvements, together with the reservation itself, shall become and remain permanently the property of the United States.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

This section and sections 437, 439, and 440 of this title were derived from act Mar. 3, 1925. See Codification note set out under section 437 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note set out under section 437 of this title.

§ 439. Land for use of Secretary of the Treasury

Permission is granted the Secretary of the Treasury to use permanently a strip of land

sixty feet wide belonging to said fort grounds, beginning at the north corner of the grounds of the fort and extending south sixty-three degrees thirty minutes east, six hundred and eighty feet to the south corner of the site set aside for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Company and the land of the said immigration station, the same to be used, if so desired, in lieu of acquiring, by purchase or condemnation, any of the lands of the dry dock company so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore and Ohio Railroad Company, have access to and from said immigration station and grounds over the right-of-way so acquired to the city streets and railroads beyond, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said outlet as fully as provided in the Act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 889, setting aside a site for an immigration station and providing for an outlet therefrom, but the Interior Department shall have equal use of the railroad track and other roads so constructed, over which to reach the city streets and railroads beyond from the other part of the fort grounds.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933; June 5, 1936, ch. 528, 49 Stat. 1484.)

REFERENCES IN TEXT

The Act approved March 4, 1913, chapter 147, Thirty-seventh Statutes 889, referred to in text, was a building authorization statute. The portion of the Act covering the Fort McHenry work was section 29, which section was not classified to the Code.

CODIFICATION

This section and sections 437, 438, and 440 of this title were derived from act Mar. 3, 1925. See Codification note set out under section 437 of this title.

AMENDMENTS

1936—Act June 5, 1936, substituted “six hundred and eighty feet” for “six hundred and fifty feet”.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note set out under section 437 of this title.

§ 440. Closure in times of national emergency

The Secretary of the Interior may, in case of a national emergency, close the said Fort McHenry and it may be used for any and all military purposes during the period of the emergency and for such period of time thereafter, as the public needs may require.

(May 26, 1914, ch. 100, 38 Stat. 382; Mar. 3, 1925, ch. 425, 43 Stat. 1109; Ex. Ord. No. 6166, § 2, June 10, 1933; Ex. Ord. No. 6228, § 1, July 28, 1933.)

CODIFICATION

A proviso at the close of act Mar. 3, 1925, authorizing the disposal of the useless temporary buildings con-

structed during the World War and appropriating a sum from the proceeds thereof for the purposes of the act has been omitted as temporary and executed.

This section and sections 437 to 439 of this title were derived from act Mar. 3, 1925. See Codification note set out under section 437 of this title.

TRANSFER OF FUNCTIONS

Transfer of administrative functions of park, see note set out under section 437 of this title.

TERMINATION OF WAR AND EMERGENCIES

Termination of state of war and national emergencies, see note set out under section 437 of this title.

§ 440a. Change in name of Fort McHenry Park

The Fort McHenry National Park, in the State of Maryland, authorized by sections 437 to 440 of this title, shall hereafter be called and known as the “Fort McHenry National Monument and Historic Shrine”, and all moneys heretofore or hereafter appropriated for this area under previous designations may be used in this area as redesignated.

(Aug. 11, 1939, ch. 686, 53 Stat. 1405.)

CODIFICATION

Section consists of a part of act Aug. 11, 1939. The remainder, relating to changing the name of “Abraham Lincoln National Park” to “Abraham Lincoln National Historical Park” (now “Abraham Lincoln Birthplace National Historical Park”) is set out as section 217 of this title.

§ 441. Badlands National Park; establishment

When a quantum, satisfactory to the Secretary of the Interior, of the privately owned lands lying within the area hereinafter described shall have been acquired and transferred to the United States for park purposes, without expense to the Federal Treasury, such areas are dedicated and set apart as a national park for the benefit and enjoyment of the people, under the name of the Badlands National Park: *Provided*, That the State of South Dakota shall have first constructed the highways hereinafter described.

(Mar. 4, 1929, ch. 693, § 1, 45 Stat. 1553; Pub. L. 95-625, title VI, § 611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

Hereinafter, referred to in text, means act Mar. 4, 1929 which is classified to sections 441 to 441e of this title. For classification of this Act to the Code, see Tables.

CHANGE OF NAME

Words “park” and “Park” substituted in text for “monument” and “Monument”, respectively, pursuant to Pub. L. 95-625, § 611, which is classified to section 441e-1 of this title and which redesignated the Badlands National Monument as the Badlands National Park.

BEN REIFEL VISITOR CENTER

Pub. L. 101-512, title I, Nov. 5, 1990, 104 Stat. 1923, provided in part that: “hereafter the Cedar Pass Visitor Center at Badlands National Park, South Dakota, shall be known as the Ben Reifel Visitor Center”.

§ 441a. Boundaries

The areas to be included in said Badlands National Park are situated in the State of South