

§ 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 constructed 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 Dakota and lie within the boundaries particularly described as follows: Beginning at the northeast corner section 13, township 3 south, range 18 east, Black Hills meridian; thence west one-fourth mile; thence south one mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one-fourth mile; thence west one-fourth mile; thence north one mile; thence west one and one-fourth miles; thence north one-half mile; thence west three miles, to the northwest corner section 18, township 3 south, range 18 east, Black Hills meridian.

Thence north one-fourth mile; thence west one-half mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west three-fourths mile; thence south one-fourth mile; thence west one-half mile; thence south one-half mile; thence west one mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence west one and one-fourth miles; thence north one-fourth mile; thence west one-fourth mile; thence north three-fourths mile; thence west one and one-fourth miles; thence north one-half mile, to the northeast corner section 2, township 3 south, range 16 east, Black Hills meridian.

Thence west one-half mile; thence north one mile; thence west one-fourth mile; thence north one-half mile; thence west three-fourths mile; thence north one-half mile; thence west one-half mile; thence north two miles; thence west eight miles; thence south one-half mile; thence west one mile; thence north one-half mile, to the northeast corner section 13, township 2 south, range 14 east, Black Hills meridian.

Thence west one mile; thence south one mile; thence east one-half mile; thence south one-half mile; thence west one-half mile; thence south two and one-half miles; thence east one and one-fourth miles; thence south one mile; thence east three-fourths mile, to the northeast corner section 7, township 3 south, range 15 east, Black Hills meridian.

Thence south one-fourth mile; thence east one-fourth mile; thence south one-half mile; thence west one-fourth mile; thence south one-fourth mile; thence west one mile; thence south one and three-fourths miles; thence east one mile; thence north three-fourths mile; thence east two miles; thence north one-half mile; thence east three-fourths mile; thence north one-fourth mile; thence east one-half mile; thence north three-fourths mile; thence west

one-fourth mile; thence north three-fourths mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one-fourth mile; thence east one-fourth mile; thence north one-half mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence north one-half mile; thence west one-half mile; thence north one-half mile, to the northwest corner section 31, township 2 south, range 16 east, Black Hills meridian.

Thence east one-half mile; thence south one-fourth mile; thence east one mile; thence south one-fourth mile; thence east one and three-fourths miles; thence south three-fourths mile; thence east three-fourths mile; thence south three-fourths mile; thence east one-half mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one and one-fourth miles; thence east three-fourths mile; thence north one-half mile; thence east one-fourth mile, to the northeast corner section 19, township 3 south, range 17 east, Black Hills meridian.

Thence north one-half mile; thence east three-fourths mile; thence south two miles; thence east one and one-half miles; thence north one and one-half miles; thence east two miles; thence south one-fourth mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile; thence east one-half mile; thence south one-fourth mile, to the northeast corner section 30, township 3 south, range 18 east, Black Hills meridian.

Thence south three-fourths mile; thence east one-fourth mile; thence south one-fourth mile; thence east one-half mile; thence north one-fourth mile; thence east one and one-fourth miles; thence south one-fourth mile; thence east three miles, to the northeast corner of section 36, township 3 south, range 18 east, Black Hills meridian.

Thence north one mile; thence east one mile; thence north one-half mile; thence west one-fourth mile; thence north one-fourth mile; thence west one-fourth mile; thence north one and one-fourth miles; thence west one-half mile to the point of beginning.

(Mar. 4, 1929, ch. 693, §2, 45 Stat. 1554; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

CHANGE OF NAME

“Park” substituted for “Monument” in first undesignated par. pursuant to Pub. L. 95-625, §611, which is classified to section 441e-1 of this title and which redesignated Badlands National Monument as Badlands National Park.

EXTENSION OF BOUNDARIES

Act June 26, 1936, ch. 842, title II, 49 Stat. 1979, provided that the boundaries of the Badlands National Monument as established by this section shall be “extended to include such lands adjacent or contiguous thereto, in the State of South Dakota, including, but not being restricted to, lands designated as submarginal by the Resettlement Administration, as may be determined by the President, by proclamation, within

five years following the approval of this Act, to be necessary for the proper rounding out of the boundaries of said Monument or the administration thereof, providing the entire area of such Monument shall not exceed 250,000 acres”, and that the provisions of act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act (see Tables for classification), were applicable to the lands that were added to the Monument under such authority.

§441b. Construction of highway by State of South Dakota

The establishment of said park is conditioned upon the State of South Dakota first constructing the following highway in a manner satisfactory to the Secretary of the Interior: A highway commencing at the corporation limits of the town of Interior, thence going in a northwesterly direction to and over Big Foot Pass, and through the region known as The Pinnacles; thence in a westerly direction to Sage Creek, being a total distance of about thirty miles.

(Mar. 4, 1929, ch. 693, §3, 45 Stat. 1555; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

CHANGE OF NAME

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

§441c. Administration, protection, and promotion; franchises for hotel and lodge accommodations

The administration, protection, and promotion of said Badlands National Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes,” as amended by the Act of June 2, 1920 (Forty-first United States Statutes at Large, page 732):¹ *Provided*, That in advance of the fulfillment of the conditions herein the Secretary of the Interior may grant franchises for hotel and for lodge accommodations under the provisions of this section.

(Mar. 4, 1929, ch. 693, §4, 45 Stat. 1555; Pub. L. 95-625, title VI, §611, Nov. 10, 1978, 92 Stat. 3521.)

REFERENCES IN TEXT

The Act of August 25, 1916, entitled “An Act to establish a National Park Service, and for other purposes”, as amended by the Act of June 2, 1920 (Forty-first United States Statutes at Large, page 732), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, as amended by act June 2, 1920, ch. 218, §5, 41 Stat. 732. The act Aug. 25, 1916, known as the National Park Service Organic Act, 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.

¹ See References in Text note below.