CODIFICATION

The last sentence only of this section was derived from section 4 of act June 8, 1906, the remainder being from section 3.

CHANGE OF NAME

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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with permits issued under sections 431, 432 and 433 of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with removal of objects of antiquity under sections 431, 432, and 433 with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

SECRETARY OF THE AIR FORCE

For transfer of certain functions relating to real property under jurisdiction of Department of the Air Force, to Secretary of the Air Force from Secretary of the Army, see Secretary of Defense Transfer Order No. 14 [§2(25)], eff. July 1, 1948.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410mm, 434, 470cc, 470dd, 1133 of this title; title 20 section 78a; title 43 section 1714.

§ 433. American antiquities

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

(June 8, 1906, ch. 3060, §1, 34 Stat. 225.)

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with permits issued under sections 431, 432, and 433 of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with removal of objects of antiquity under sections 431, 432, and 433 with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas were transferred to the Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, until the first anniversary of date of initial operation of the Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410mm, 432, 434, 470cc, 470dd, 1133 of this title; title 20 section 78a; title 43 section 1714.

§ 433a. Perry's Victory and International Peace Memorial; establishment

The President of the United States is authorized to establish by proclamation the following-described Government lands, together with the Perry's Victory Memorial proper, its approaches, retaining walls, and all buildings, structures, and other property thereon, situated in Put-in-Bay Township, South Bass Island, Ottawa County, Lake Erie, State of Ohio, as the ''Perry's Victory and International Peace Memorial'', for the preservation of the historical associations connected therewith, to inculcate the lessons of international peace by arbitration and disarmament, and for the benefit and enjoyment of the people: Commencing at the intersection of the middle line of Delaware Avenue and Chapman Avenue, in the village of Put-in-Bay, and running thence south eighty-eight degrees fifty-nine minutes east in the middle line of said Delaware Avenue, and the same extended four hundred and ninety-five feet to Lake Erie; thence north forty-nine degrees fifty-nine minutes east along said lake shore three hundred and forty-six feet; thence north forty-three degrees fourteen minutes east along said lake shore two hundred and twelve feet; thence north fifty-three degrees thirteen minutes east four hundred feet along said lake shore; thence north forty-six degrees six minutes west about seven hundred and thirty feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman Avenue; thence south one degree thirty minutes west along said middle line, and the same extended, about five hundred and twenty feet to the place of beginning, and containing fourteen and twenty-five one-hundredths acres of land and known as a part of lots numbered 1 and 2, range south of county road, and a part of lot numbered 12, East Point, in South Bass Island, in the township of Put-in-Bay, county of Ottawa, State of Ohio.

(June 2, 1936, ch. 477, §1, 49 Stat. 1393; Pub. L. 92–568, §1, Oct. 26, 1972, 86 Stat. 1181.)

CHANGE OF NAME

''Perry's Victory and International Peace Memorial'' substituted in text for ''Perry's Victory and International Peace Memorial National Monument'' to conform to the redesignation provided in section 1 of Pub. L. 92–568, classified to section 433f–1 of this title.

ESTABLISHMENT OF MEMORIAL; BOUNDARIES

Memorial and boundaries established by Presidential Proc. No. 2182, July 6, 1936, 50 Stat. 1734.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 433c, 433f, 433f–1 of this title.

§ 433b. Administration, protection, and development

The administration, protection and development of the aforesaid peace memorial shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1, 2, 3, and 4 of this title, as amended.

(June 2, 1936, ch. 477, § 2, 49 Stat. 1394; Pub. L. 92–568, § 1, Oct. 26, 1972, 86 Stat. 1181.)

CHANGE OF NAME

''Peace memorial'' substituted in text for ''national monument'' to conform to redesignation of Perry's Victory and International Peace Memorial National Monument as Perry's Victory and International Peace Memorial provided in section 1 of Pub. L. 92–568, classified to section 433f–1 of this title.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 433f of this title.

§ 433c. Acceptance of donations of lands and funds; acquisition of land

After the said peace memorial has been established as provided in section 433a of this title the Secretary of the Interior is authorized to accept donations of land, interests in land, buildings, structures, and other property as may be donated for the extension and improvement of the said peace memorial, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of sections 257 and 258 of title 40, such tracts of land within the said peace memorial as may be necessary for the completion thereof. The Secretary of the Interior is authorized to purchase with appropriated funds not to exceed four acres of land, or interests in land, for addition to the Perry's Victory and International Peace Memorial.

(June 2, 1936, ch. 477, § 3, 49 Stat. 1394; Pub. L. 92–568, § 1, 2, Oct. 26, 1972, 86 Stat. 1181, 1182.)

REFERENCES IN TEXT

Section 258 of title 40, referred to in text, was omitted from the Code as superseded by rule 71A of the Federal Rules of Civil Procedure, set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1972—Pub. L. 92–568, § 2, authorized acquisition of an additional four acres of land.

CHANGE OF NAME

''Peace memorial'' substituted in text for ''national monument'' to conform to redesignation of Perry's Victory and International Peace Memorial National Monument as Perry's Victory and International Peace Memorial provided in section 1 of Pub. L. 92–568, classified to section 433f–1 of this title.

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.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of Pub. L. 92–568, as amended by Pub. L. 95–625, title I, § 101(21), Nov. 10, 1978, 92 Stat. 3472; Pub. L. 98–141, § 7(a), Oct. 31, 1983, 97 Stat. 910; Pub. L. 98–181, title I, § 1401, Nov. 30, 1983, 97 Stat. 1294, provided that: ''There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [enacting section 433f–1, amending sections 433a to 433c and 433e, and repealing section 433d of this title, and enacting provisions set out as a note hereunder], but not more than $370,000 shall be appropriated for the acquisition of lands and interests in lands and not more than $10,500,000 shall be appropriated for development. The sums authorized in this section shall be available for acquisition and development undertaken subsequent to the approval of this Act [such sections].''

§ 433d. Repealed. Pub. L. 92–568, § 3(2), Oct. 26, 1972, 86 Stat. 1182

Section, act June 2, 1936, ch. 477, § 4, 49 Stat. 1394, provided that members of Perry's Victory Memorial Commission created by act Mar. 3, 1919, ch. 116, 40 Stat. 1322, act as a board of advisors, and also provided for number of members, method of filling vacancies, and travel expenses but no compensation for the members.

§ 433e. Repealed. Pub. L. 98–141, § 7(b), Oct. 31, 1983, 97 Stat. 910

Section, acts June 2, 1936, ch. 477, § 5, 49 Stat. 1395; Oct. 26, 1972, Pub. L. 92–568, § 1, 86 Stat. 1181, provided that employees of the Perry's Victory Memorial Commission on June 2, 1936, could, in the discretion of the Secretary of the Interior, be employed by the National Park Service in the administration, protection, and development of the memorial.

§ 433f. Inconsistent laws repealed

The provisions of the Act of March 3, 1919 (ch. 116, 40 Stat. 1322–1324), and Acts supplemental thereof and amendatory thereto and all other Acts inconsistent with the provisions of section 433a to 433f of this title are repealed to the extent of such inconsistency.

(June 2, 1936, ch. 477, § 6, 49 Stat. 1395.)

REFERENCES IN TEXT

The act of Mar. 3, 1919, and Acts supplemental and amendatory thereto were not classified to the Code.