

of Indians shall first be obtained, covering its right, title, and interest in and to the lands herein described, and payment therefor to the members of said band on a per capita basis, at a price to be agreed upon, when there shall be donated for such purposes to the Secretary of the Interior a fund in an amount to be fixed and determined by him as sufficient to compensate the Indians therefor.

(Aug. 26, 1922, ch. 295, §1, 42 Stat. 832.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 435 of this title.

§ 435. Acquiring reservation land

In order to determine the amount to be paid under section 434 of this title the Secretary of the Interior is authorized and directed to negotiate with said Indians to obtain their consent and relinquishment, and when such consent and relinquishment has been obtained and an agreement reached the Secretary of the Interior is further authorized to make payment from said donated fund for the lands relinquished to the enrolled members of the said Agua Caliente Band as authorized by section 434 of this title. The consent and relinquishment of the Indians may be obtained and payment made for the lands in such manner as the Secretary of the Interior may deem advisable. The water rights, dam, pipe lines, canals, and irrigation structures located in sections 2 and 3 of township 5 south, range 4 east, San Bernardino meridian, and also all water and water rights in Palm Canyon, are excepted from this reserve and shall remain under the exclusive control and supervision of the Bureau of Indian Affairs. The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this monument.

(Aug. 26, 1922, ch. 295, §§2, 3, 42 Stat. 832.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act of Congress approved June 10, 1920, known as the Federal Water Power Act", and was redesignated as the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

CODIFICATION

This section is a combination provision, the last sentence of which is from section 3 of act Aug. 26, 1922, the remainder being derived from section 2 of that act.

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 Sec-