

land and northwesterly through the same following the crest of the ridge next south of the east boundary of the said tract to the old road on the summit of Longarm Mountain; thence southwesterly and northwesterly follows the said road running with the top of Scottish Mountain and through a tract of national forest land to the south boundary of a tract of national park land just east of Mount Sterling Gap; thence northerly following the south and east boundaries of the said tract of national park land to the northeast corner thereof; thence northeasterly through a tract of national forest land, following the crest of the ridge parallel to and east of Mount Sterling Creek to the summit of the ridge terminated by the juncture of Mount Sterling Creek with its south prong; thence northwesterly across Mount Sterling Creek to the summit northeast of Ivy Gap; thence westerly to a point where the westerly boundary of a tract of Forest Service land diverges from North Carolina State Highway Numbered 284; thence with the highway northwesterly to a point where North Carolina Highway Numbered 284 joins Tennessee Highway Numbered 75 at the State line;

(b) Between Nantahala National Forest and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2185 of July 9, 1936;

(c) Between Cherokee National Forest (Unaka Division) and Great Smoky Mountains National Park, the boundary shall follow the boundary of said forest as described in Proclamation Numbered 2183 of July 8, 1936.

(July 26, 1950, ch. 492, §1, 64 Stat. 377.)

#### § 403k-1. Laws applicable

Subject to valid existing rights, all lands within the boundaries of Great Smoky Mountains National Park, as redefined by sections 403k to 403k-2 of this title, hereafter shall be a part of the national park and shall be subject to all laws, rules, and regulations applicable to the national park. All federally owned lands eliminated from the national park by said sections shall hereafter be a part of the Pisgah National Forest and shall be subject to all laws, rules, and regulations relating to such national forest.

(July 26, 1950, ch. 492, §2, 64 Stat. 378.)

#### § 403k-2. Addition of lands to Great Smoky Mountains National Park

So much of the twenty-five-acre tract of land in Forney's Creek Township, Swain County, North Carolina, lying north of Lake Cheoah, proposed to be donated to the United States by the Carolina Aluminum Company, as now lies outside of the park boundaries authorized by sections 403 and 403a to 403c of this title, shall upon acceptance by the Secretary of the Interior, become a part of the Great Smoky Mountains National Park and shall be subject to all laws, rules, and regulations applicable to said park.

(July 26, 1950, ch. 492, §3, 64 Stat. 378.)

#### § 403k-3. Palmer's Chapel in Cataloochee Valley of Great Smoky Mountains National Park; protection and continued use; communication of Chapel history to visitors

The Secretary of the Interior is authorized and directed to take such measures as may be necessary to provide for the continued protection of the historic Palmer's Chapel in the Cataloochee Valley of the Great Smoky Mountains National Park. The importance of the chapel in memorializing the early settlement of the valley and in providing an opportunity for interpreting the cultural traditions of the former residents of the valley is hereby recognized, and the Secretary is authorized to make suitable arrangements for the history of the chapel to be communicated to park visitors and for the chapel to continue to be used for memorial purposes by former residents and their descendants.

(Pub. L. 96-199, title I, §106, Mar. 5, 1980, 94 Stat. 69.)

### SUBCHAPTER XLVII—MAMMOTH CAVE NATIONAL PARK

#### § 404. Establishment; boundaries

When title to lands within the area referred to in this section shall have been vested in the United States in fee simple, there shall be, and there is, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people, the tract of land in the Mammoth Cave region in the State of Kentucky, being approximately seventy thousand six hundred and eighteen acres, recommended as a National Park by the Southern Appalachian National Park Commission to the Secretary of the Interior, in its report of April 8, 1926, and made under authority of the Act of February 21, 1925 (chapter 281, 43 Statutes 958); which area, or any part or parts thereof as may be accepted on behalf of the United States in accordance with the provisions hereof, shall be known as the Mammoth Cave National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation.

(May 25, 1926, ch. 382, §1, 44 Stat. 635.)

#### REFERENCES IN TEXT

Act of February 21, 1925, referred to in text, was not classified to the Code.

#### § 404a. Acceptance of title to lands

The Secretary of the Interior is authorized, in his discretion, to accept, as hereinafter provided, on behalf of the United States, title to the lands referred to in section 404 of this title, and to be purchased with the funds which may be subscribed by or through the Mammoth Cave National Park Association of Kentucky, and with other contributions for the purchase of lands in the Mammoth Cave National Park area: *Provided*, That any of said lands may be donated directly to the United States and conveyed to it, cost free, by fee-simple title, in cases where such donations may be made without the necessity of purchase.

(May 25, 1926, ch. 382, § 2, 44 Stat. 635.)

**§ 404b. Administration, protection, and development; Federal Power Act inapplicable; minimum area**

The administration, protection, and development of the aforesaid park 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: *Provided*, That the provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be, for the said Mammoth Cave National Park, twenty thousand acres: *Provided further*, That no general development of said area shall be undertaken until a major portion of the remainder in such area, including all the caves thereof, shall have been accepted by said Secretary, and he shall have established a schedule of fees for admission to such caves.

(May 25, 1926, ch. 382, § 3, 44 Stat. 636; May 14, 1934, ch. 282, § 1, 48 Stat. 775.)

REFERENCES IN TEXT

The Federal Power Act, referred to in text, was in the original the "Act 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.

AMENDMENTS

1934—Act May 14, 1934, inserted "and he shall have established a schedule of fees for admission to such caves," and changed phrase "including all the caves thereof" to its present position instead of following "twenty thousand acres".

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.

**§ 404b-1. Exclusion of Great Onyx and Crystal Caves**

The Secretary of the Interior is authorized, in his discretion, to exclude the Great Onyx Cave and the Crystal Cave, or either of them, from the maximum boundaries of the said park, and the area required for general development of the said park by section 404b of this title, is modified accordingly.

(Aug. 28, 1937, ch. 873, § 2, 50 Stat. 871.)

EVENTUAL ACQUISITION OF GREAT ONYX AND CRYSTAL CAVES

Eventual acquisition of Great Onyx and Crystal Caves, see section 404b-2 of this title.

**§ 404b-2. Eventual acquisition of Great Onyx and Crystal Caves; cooperation with State of Kentucky**

The Secretary of the Interior is authorized to cooperate with the State of Kentucky for the

purpose of arranging for the eventual acquisition by the United States of the Great Onyx Cave and the Crystal Cave within the authorized boundaries of Mammoth Cave National Park. The Secretary shall deposit to the credit of a special receipt account that portion of the annual admission, guide, and elevator fee receipts from the said park which exceeds the annual amount available to the park for management, guide, and protection purposes, which funds so deposited may be expended thereafter in payment for the purchase of said cave properties. The Secretary is further authorized to enter into such contracts and agreements as he may determine to be necessary to effectuate the acquisition of the cave properties as authorized herein.

(Mar. 27, 1954, ch. 114, 68 Stat. 36.)

**§ 404c. Omitted**

CODIFICATION

Section, act May 25, 1926, ch. 382, § 4, 44 Stat. 636, authorized the Secretary of the Interior to employ, for the purpose of carrying out the provisions of sections 404 to 404b of this title, the commission authorized by act Feb. 21, 1925, ch. 281, 43 Stat. 958 (a temporary act).

**§ 404c-1. Acceptance of cession by United States; jurisdiction**

The provisions of the act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), ceding to the United States exclusive jurisdiction over, within, and under such territory in the Commonwealth as may be acquired for the Mammoth Cave National Park, are accepted. Subject to the reservations made by the Commonwealth in the act of cession, the United States assumes sole and exclusive jurisdiction over such territory.

(June 5, 1942, ch. 341, § 1, 56 Stat. 317.)

REFERENCES IN TEXT

Act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), referred to in text, was also set out as Ky. St., §§ 3766e16 to 3766e22 [see §§ 3.020 and 3.070 in part].

**§ 404c-2. Fugitives from justice**

All fugitives from justice taking refuge in the park shall be subject to the same laws as fugitives from justice found in the Commonwealth of Kentucky.

(June 5, 1942, ch. 341, § 2, 56 Stat. 317; June 25, 1948, ch. 646, § 39, 62 Stat. 992.)

AMENDMENTS

1948—Act June 25, 1948, struck out first sentence relating to inclusion of park in a judicial district. See section 97 of Title 28, Judiciary and Judicial Procedure, and section 3231 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

**§ 404c-3. Criminal offenses concerning hunting, fishing, and property; prima facie evidence; rules and regulations**

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal,