

**§ 406d-5. Use for reclamation purposes of certain lands within exterior boundary**

Nothing in this Act shall affect the use for reclamation purposes, in accordance with the Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto, of the lands within the exterior boundary of the park as prescribed by this Act which have been withdrawn or acquired for reclamation purposes or the operation, maintenance, rehabilitation, and improvement of the reservoir and other reclamation facilities located on such withdrawn or acquired lands.

(Sept. 14, 1950, ch. 950, §9, 64 Stat. 853.)

REFERENCES IN TEXT

This Act, referred to in text, is act Sept. 14, 1950, ch. 950, 64 Stat. 849, which enacted this section, sections 406d-1 to 406d-4, 431a, 451a, 482m, 673b, and 673c of this title, and provisions set out as notes under section 406d-1 of this title. Section 1 of the Act was partially repealed and restated as sections 104907 and 320301(d) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272. For complete classification of this Act to the Code, see Tables.

Act of June 17, 1902 (32 Stat. 388), referred to in text, is popularly known as the "Reclamation Act" and is classified generally to chapter 12 (§371 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 371 of Title 43 and Tables.

CODIFICATION

Section comprises only the first sentence of section 9 of act Sept. 14, 1950. The second sentence of section 9 repealed all laws "inconsistent with" the act Sept. 14, 1950, ch. 950, and is set out in a note under section 406d-1 of this title. The third sentence thereof, which related to availability of unexpended appropriated funds, is also set out in a note under section 406d-1 of this title.

REPEAL OF INCONSISTENT LAWS

Repeal of laws inconsistent with act Sept. 14, 1950, see note set out under section 406d-1 of this title.

SUBCHAPTER L—CARLSBAD CAVERNS  
NATIONAL PARK

**§ 407. Establishment; description of area**

The tract of land known prior to May 14, 1930, as the Carlsbad Cave National Monument, in the State of New Mexico, established and designated as a national monument under the Act of June 8, 1906, entitled "An Act for the preservation of American antiquities,"<sup>1</sup> and by presidential proclamation of October 25, 1923, is declared to be a national park and dedicated as a public park for the benefit and enjoyment of the people under the name of the Carlsbad Caverns National Park, under which name the aforesaid national park shall be entitled to receive and to use all moneys heretofore or hereafter appropriated for the Carlsbad Cave National Monument.

(May 14, 1930, ch. 272, §1, 46 Stat. 279.)

REFERENCES IN TEXT

The Act of June 8, 1906, entitled "An Act for the preservation of American antiquities," referred to in text,

<sup>1</sup> See References in Text note below.

is act June 8, 1906, ch. 3060, 34 Stat. 225, known as the Antiquities Act of 1906, which was classified generally to sections 431, 432, and 433 of this title. The Act was repealed and restated as section 1866(b) of Title 18, Crimes and Criminal Procedure, and sections 320301(a) to (c), 320302, and 320303 of Title 54, National Park Service and Related Programs, 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.

The presidential proclamation of October 25, 1923, referred to in text, is Proc. No. 1923, 43 Stat. 1929.

**§ 407a. Administration, protection, and development**

The administration, protection, and development of said Carlsbad Caverns 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,"<sup>1</sup> and Acts supplementary thereto or amendatory thereof.

(May 14, 1930, ch. 272, §2, 46 Stat. 279.)

REFERENCES IN TEXT

The Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes," referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which 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.

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.

TRANSPORTATION OF EMPLOYEES OF CARLSBAD  
CAVERNS NATIONAL PARK; RATES

Act Aug. 8, 1953, ch. 384, §1(3), 67 Stat. 495, provided that: "Transportation to and from work, outside of regular working hours, of employees of Carlsbad Caverns National Park, residing in or near the city of Carlsbad, New Mexico, such transportation to be between the park and the city, or intervening points, at reasonable rates to be determined by the Secretary of the Interior taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the appropriation current at the time payment is received: *Provided*, That if adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the facilities contemplated by this paragraph shall not be offered."

[Prior to repeal by Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272, introductory provisions of section 1 of

<sup>1</sup> See References in Text note below.

act Aug. 8, 1953, read as follows: "In order to facilitate the administration of the National Park System, the Secretary of the Interior is authorized to carry out the following activities, and he may use applicable appropriations for the aforesaid system for the following purposes:".]

#### § 407b. Applicability of Federal Power Act

The provisions of the Federal Power Act [16 U.S.C. 791a et seq.] shall not apply to or extend over the land by section 407 of this title or hereafter reserved and dedicated as the Carlsbad Caverns National Park.

(May 14, 1930, ch. 272, § 3, 46 Stat. 279.)

#### REFERENCES IN TEXT

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

#### § 407c. Repealed. Pub. L. 88-249, § 5, Dec. 30, 1963, 77 Stat. 819

Section, act May 14, 1930, ch. 272, § 4, 46 Stat. 279, related to the boundaries of Carlsbad Caverns National Park. See section 407e of this title.

#### § 407d. Admission and guide fees exempt from tax

Any admission fee charged for entrance to Carlsbad Caverns and any fee charged for guide service therein shall be exempt from all taxes on admissions.

(June 22, 1936, ch. 691, § 1, 49 Stat. 1792.)

#### CODIFICATION

Act Sept. 20, 1941, ch. 412, title V, § 541(c), 55 Stat. 710, amended act May 9, 1935, ch. 101, § 1, 49 Stat. 207, which had been classified to this section of the Code, "by striking out that part thereof" upon which this section was based. Said act Sept. 20, 1941, however, made no mention of act June 22, 1936, which reenacted those same provisions. Such act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550(a) thereof.

#### § 407e. Boundaries

Carlsbad Caverns National Park situated in the State of New Mexico shall consist of the following described lands:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: south half section 35; section 36.

Township 24 south, range 24 east; sections 25 to 29, inclusive; sections 31 to 36, inclusive.

Township 24 south, range 25 east: south half southeast quarter section 19; south half south half section 20; south half south half section 21; southwest quarter southwest quarter section 26; sections 27 to 33, inclusive; west half section 34; northwest quarter northeast quarter section 34.

Township 25 south, range 22 east: sections 24, 25, 35, and 36.

Township 25 south, range 23 east: sections 1 to 33, inclusive; northwest quarter section 34.

Township 25 south, range 24 east: north half section 1; west half section 2; northeast quarter section 2; sections 3 to 8, inclusive; west half section 9; northeast quarter section 9; northwest quarter section 10; west half section 17; northeast quarter section 17; section 18; northwest quarter section 19.

Township 25 south, range 25 east: north half section 5; north half section 6.

Township 26 south, range 22 east: north half section 1; west half southwest quarter section 1; section 2; section 11; west half west half section 12; northwest quarter section 14.

Township 26 south, range 23 east: northwest quarter section 6.

All of which contains 46,786.11 acres, more or less.

And the tract of land, including Rattlesnake Springs, lying in section 23, township 25 south, range 24 east, New Mexico principal meridian, acquired by the United States for water right purposes by warranty deed dated January 23, 1934, recorded in Eddy County, New Mexico, records in deedbook 64 on page 97, containing 79.87 acres, more or less.

(Pub. L. 88-249, § 1, Dec. 30, 1963, 77 Stat. 818.)

#### § 407f. Exchange of lands

##### (a) State-owned lands; terms, conditions and reservations

For the purpose of acquiring the State-owned lands lying within the area described in section 407e of this title, consisting of 2,721.12 acres, and described as follows:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: section 36.

Township 24 south, range 24 east: section 32.

Township 24 south, range 25 east: section 32.

Township 25 south, range 24 east: lots 1, 2, 3, and 4, south half north half, southwest quarter section 2.

Township 26 south, range 22 east: south half section 2, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary or are in the public interest, including the reservation of surface rights-of-way across Federal lands situated in township 25 south, range 24 east, New Mexico principal meridian, for the construction of roads and utility lines between park headquarters and Rattlesnake Springs, exchange the following described 2,719.80 acres of public land of approximately equal value:

##### NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 25 east: southeast quarter section 34.

Township 25 south, range 24 east: south half section 1; west half section 11; west half section 14; section 15; southeast quarter section 17.

Township 25 south, range 25 east: south half section 5; lot 6, northeast quarter southwest quarter, southeast quarter section 6.

Township 26 south, range 22 east: west half west half section 13; north half northeast quarter section 14.

##### (b) Private lands; terms, conditions and reservations

For the purpose of acquiring the private lands or interests in lands lying within the area de-