

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 Repealed.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-

scribed in section 407e of this title, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary, exchange on an approximately equal value basis any of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 25 south, range 24 east: southeast quarter section 9; south half, northeast quarter section 10.

Township 26 south, range 22 east: south half, south half northeast quarter section 14.

**(c) State-leased lands; compensation of lessee for improvements; appraisal**

Notwithstanding subsection (a) of this section, when an exchange involves lands in section 32, township 24 south, range 24 east, New Mexico principal meridian, which the State of New Mexico has leased, the Secretary may compensate a lessee for the reasonable value of his improvements to the lands. Reasonable value shall be determined by the Secretary of the Interior by obtaining an impartial appraisal.

(Pub. L. 88-249, § 2, Dec. 30, 1963, 77 Stat. 818.)

**§ 407g. State right-of-way for park-type road; reconveyance of interest upon completion of road**

The Secretary is authorized to convey to the State of New Mexico a right-of-way over lands between the western boundary of the southeast quarter of section 34, township 24 south, range 25 east, and the vicinity of the caverns for the use of the State in constructing a park-type road for public use thereon: *Provided*, That the State may construct a road which shall meet the general standards of National Park Service roads and shall agree to reconvey its interests in such lands and any improvements thereon, without cost to the United States, upon completion of such road. The location of the road shall be determined by the Secretary, after consultation with officials of the State of New Mexico.

(Pub. L. 88-249, § 3, Dec. 30, 1963, 77 Stat. 819.)

**§ 407h. Authorization of appropriations**

There are hereby authorized to be appropriated not more than \$500 to carry out the purposes of sections 407e to 407h of this title.

(Pub. L. 88-249, § 4, Dec. 30, 1963, 77 Stat. 819.)

SUBCHAPTER LI—INDEPENDENCE  
NATIONAL HISTORICAL PARK

**§ 407m. Establishment; acquisition of land; property involved**

For the purpose of preserving for the benefit of the American people as a national historical park certain historical structures and properties of outstanding national significance located in Philadelphia, Pennsylvania, and associated with the American Revolution and the founding and growth of the United States, the Secretary of the Interior, following the consummation of agreements with the city of Philadelphia and the Carpenters' Company of Philadelphia as prescribed in section 407n of this title, is authorized to acquire by donation or with donated funds, or

to acquire by purchase, any property, real or personal, within the following-described areas, such park to be fully established as the "Independence National Historical Park" when, in the opinion of the Secretary, title to sufficient of the lands and interests in lands within such areas, shall be vested in the United States: *Provided*, That the park shall not be established until title to the First United States Bank property, the Merchants' Exchange property, the Bishop White house, the Dilworth-Todd-Moylan house, and the site of the Benjamin Franklin house, together with two-thirds of the remaining lands and interests in lands within the following-described areas, shall have been vested in the United States:

(a) An area of three city blocks bounded generally by Walnut Street, Fifth Street, Chestnut Street, and Second Street, but excluding the new United States customhouse at the southeast corner of Second and Chestnut Streets, identified as "project A", as described in the report of the Philadelphia National Shrines Park Commission, dated December 29, 1947.

(b) A memorial thoroughfare, or mall, extending generally from the south side of Walnut Street to the north side of Manning Street, identified as part of "project B" in the report of the Commission. The properties identified generally as 269, 271, 273, and 275 South Fifth Street in "project B" in the report of the Commission.

(c) The site of the residence of Benjamin Franklin, and related grounds, comprising approximately a one-hundred-foot-wide strip, extending southward from Market Street approximately three hundred feet between Third and Fourth Streets, and encompassing a portion of Orianna Street, identified as "project C" in the report of the Commission.

(d) Certain land and buildings immediately adjacent to Christ Church, situated on the west side of Second Street, and north of Market Street, identified as "project E" in the report of the Commission, and certain land and buildings adjoining "Project E", being known and numbered as 8, 10, and 12 North Second Street and 201, 203, 205, 207, 209, 211-213, 215, 217, 219, and 221 Market Street: *Provided*, That the Secretary of the Interior first enter into an agreement with the proprietor or proprietors of said property (Christ Church), said agreement to contain the usual and customary provisions for the protection of the property, assuring its physical maintenance as a national shrine, without any limitation or control over its use for customary church purposes.

(June 28, 1948, ch. 687, § 1, 62 Stat. 1061; July 10, 1952, ch. 653, § 1, 66 Stat. 575; Pub. L. 85-764, § 3(a), Aug. 27, 1958, 72 Stat. 862.)

AMENDMENTS

1958—Subsec. (d). Pub. L. 85-764 included certain lands and buildings adjoining "project E" being known and numbered as 8, 10, and 12 North Second Street and 201, 203, 205, 207, 209, 211-213, 215, 217, 219, and 221 Market Street.

1952—Subsec. (b). Act July 10, 1952, inserted second sentence.

GATEWAY VISITOR CENTER

Pub. L. 106-131, Dec. 7, 1999, 113 Stat. 1673, provided that: