

(Pub. L. 96-550, title V, §507, Dec. 19, 1980, 94 Stat. 3230.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (a), probably means the date of enactment of Pub. L. 96-550, which was approved Dec. 19, 1980.

CHANGE OF NAME

Committee on Interior and Insular Affairs of the House of Representatives changed to Committee on Natural Resources of the House of Representatives on Jan. 5, 1993, by House Resolution No. 5, One Hundred Third Congress.

COOPERATIVE AGREEMENTS FOR CURATION AND RESEARCH

Pub. L. 108-413, §4, Oct. 30, 2004, 118 Stat. 2325, provided that: "The Secretary [of the Interior] may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico."

§ 410ii-7. Authorization of appropriation

Effective October 1, 1981, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter but not to exceed \$11,000,000 for acquisition and \$500,000 for development.

(Pub. L. 96-550, title V, §508, Dec. 19, 1980, 94 Stat. 3231.)

SUBCHAPTER LIX-H—KALAUPAPA NATIONAL HISTORICAL PARK

§ 410jj. Establishment

In order to provide for the preservation of the unique nationally and internationally significant cultural, historic, educational, and scenic resources of the Kalaupapa settlement on the island of Molokai in the State of Hawaii, there is hereby established the Kalaupapa National Historical Park (hereinafter referred to as the "park").

(Pub. L. 96-565, title I, §101, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-1. Purposes

The Congress declares the following to constitute the principal purposes of the park:

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations;

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features; and to provide for limited visitation by the general public; and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patients and Native Hawaiians

to the extent practical, and that training opportunities be provided such persons in management and interpretation of the settlement's cultural, historical, educational, and scenic resources.

(Pub. L. 96-565, title I, §102, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-2. Boundaries; revisions of boundary; publication in Federal Register

The boundaries of the park shall include the lands, waters, and interests therein within the area generally depicted on the map entitled "Boundary Map, Kalaupapa National Historical Park", numbered P07-80024, and dated May 1980, which shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions in the boundary of the park by publication of a revised boundary map or other description to that effect in the Federal Register.

(Pub. L. 96-565, title I, §103, Dec. 22, 1980, 94 Stat. 3321.)

§ 410jj-3. Acquisition of lands and interests

(a) State- or locally-owned lands; manner of acquisition

Within the boundary of the park, the Secretary is authorized to acquire those lands owned by the State of Hawaii or any political subdivision thereof only by donation or exchange, and only with the consent of the owner. Any such exchange shall be accomplished in accordance with the provisions of sections¹ 460-22(b) and (c)² of this title. Any property conveyed to the State or a political subdivision thereof in exchange for property within the park which is held in trust for the benefit of Native Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920 shall, as a matter of Federal law, be held by the grantee subject to an equitable estate of the same class and degree as encumbers the property within the preserve; and "available lands" defined in section 203 of the Hawaiian Homes Commission Act may be exchanged in accordance with section 204 of said Act. The vesting of title in the United States to property within the park shall operate to extinguish any such equitable estate with respect to property acquired by exchange within the park. The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations.

(b) Privately-owned lands; manner of acquisition

The Secretary is authorized to acquire privately-owned lands within the boundary of the park by donation, purchase with donated or appropriated funds, or exchange.

¹ So in original. Probably should be "section".

² See References in Text note below.

(c) Lands outside of boundary of park and other units of National Park System within State; manner of acquisition

The Secretary is authorized to acquire by any of the foregoing methods except condemnation, lands, waters, and interests therein outside the boundary of the park and outside the boundaries of any other unit of the National Park System but within the State of Hawaii, and to convey the same to the Department of Hawaiian Home Lands in exchange for lands, waters, and interests therein within the park owned by that Department. Any such exchange shall be accomplished in accordance with the provisions defined in subsection (a) of this section.

(Pub. L. 96-565, title I, § 104, Dec. 22, 1980, 94 Stat. 3321; Pub. L. 100-202, § 101(g) [title I, § 100], Dec. 22, 1987, 101 Stat. 1329-213, 1329-220.)

REFERENCES IN TEXT

Subsection (c) of section 460l-22, referred to in subsec. (a), was redesignated subsection (d) and a new subsection (c) was added by Pub. L. 98-506, § 2, Oct. 19, 1984, 98 Stat. 2338.

The Hawaiian Homes Commission Act of 1920, referred to in subsec. (a), probably means the Hawaiian Homes Commission Act, 1920, act July 9, 1921, ch. 42, 42 Stat. 108, as amended, which was classified generally to sections 691 to 718 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100-202 inserted at end “The Secretary may lease from the Department of Hawaiian Home Lands said trust lands until such time as said lands may be acquired by exchange as set forth herein or otherwise acquired. The Secretary may enter into such a lease without regard to fiscal year limitations.”

§ 410jj-4. Administration

(a) Laws governing

The Secretary shall administer the park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, and sections 461 to 467 of this title, and the provisions of this Act.

(b) Emergency, temporary, and interim activities; cooperative agreements; expenditures; rehabilitation projects

(1) With the approval of the owner thereof, the Secretary may undertake critical or emergency stabilization of utilities and historic structures, develop and occupy temporary office space, and conduct interim interpretive and visitor services on non-Federal property within the park.

(2) The Secretary shall seek and may enter into cooperative agreements with the owner or owners of property within the park pursuant to which the Secretary may preserve, protect, maintain, construct, reconstruct, develop, improve, and interpret sites, facilities, and resources of historic, natural, architectural, and cultural significance. Such agreements shall be of not less than twenty years duration, may be extended and amended by mutual agreement, and shall include, without limitation, provisions that the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement. Each such agreement shall also provide that the

owner shall be liable to the United States in an amount equal to the fair market value of any capital improvements made to or placed upon the property in the event the agreement is terminated prior to its natural expiration, or any extension thereof, by the owner, such value to be determined as of the date of such termination, or, at the election of the Secretary, that the Secretary be permitted to remove such capital improvements within a reasonable time of such termination. Upon the expiration of such agreement, the improvements thereon shall become the property of the owner, unless the United States desires to remove such capital improvements and restore the property to its natural state within a reasonable time for such expiration.

(3) Except for emergency, temporary, and interim activities as authorized in paragraph (1) of this subsection, no funds appropriated pursuant to this Act shall be expended on non-Federal property unless such expenditure is pursuant to a cooperative agreement with the owner.

(4) The Secretary may stabilize and rehabilitate structures and other properties used for religious or sectarian purposes only if such properties constitute a substantial and integral part of the historical fabric of the Kalaupapa settlement, and only to the extent necessary and appropriate to interpret adequately the nationally significant historical features and events of the settlement for the benefit of the public.

(Pub. L. 96-565, title I, § 105, Dec. 22, 1980, 94 Stat. 3322.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b)(3), is Pub. L. 96-565, Dec. 22, 1980, 94 Stat. 3321, which enacted this subchapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

MEMORIAL TO INDIVIDUALS FORCIBLY RELOCATED TO KALAUPAPA PENINSULA

Pub. L. 111-11, title VII, § 7108, Mar. 30, 2009, 123 Stat. 1196, provided that:

“(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

“(b) DESIGN.—

“(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

“(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

“(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

“(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

“(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance

of contributions for and payment of the expenses associated with the establishment of the memorial.”

§ 410jj-5. Special needs of leprosy patients residing in Kalaupapa settlement; specific provisions

The following provisions are made with respect to the special needs of the leprosy patients residing in the Kalaupapa settlement—

(1) So long as the patients may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.

(2) Health care for the patients shall continue to be provided by the State of Hawaii, with assistance from Federal programs other than those authorized herein.

(3) Notwithstanding any other provision of law, the Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.

(4) Patients shall continue to have the right to take and utilize fish and wildlife resources without regard to Federal fish and game laws and regulations.

(5) Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.

(Pub. L. 96-565, title I, §106, Dec. 22, 1980, 94 Stat. 3323.)

§ 410jj-6. Additional needs of leprosy patients and Native Hawaiians for employment and training; specific provisions

The following provisions are made with respect to additional needs of the leprosy patients and Native Hawaiians for employment and training. (The term “Native Hawaiian” as used in this subchapter, means a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.)—

(1) Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws giving an employment preference to any other class of applicant and without regard to any numerical limitation on personnel otherwise applicable.

(2) The Secretary shall provide training opportunities for patients and Native Hawaiians to develop skills necessary to qualify for the provision of visitor services and for appointment to positions referred to in paragraph (1).

(Pub. L. 96-565, title I, §107, Dec. 22, 1980, 94 Stat. 3323.)

§ 410jj-7. Advisory Commission

(a) Establishment; membership

There is hereby established the Kalaupapa National Historical Park Advisory Commission (hereinafter referred to as the “Commission”),

which shall consist of eleven members each appointed by the Secretary for a term of five years as follows:

(1) seven members who shall be present or former patients, elected by the patient community; and

(2) four members appointed from recommendations submitted by the Governor of Hawaii, at least one of whom shall be a Native Hawaiian.

(b) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) Compensation; expenses

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(d) Functions

The Secretary shall consult with and seek the advice of the Commission with respect to the development and operation of the park including training programs. The Commission shall, in addition, advise the Secretary concerning public visitation to the park, and such advice with respect to numbers of visitors shall be binding upon the Secretary if the Commission certifies to him that such advice is based on a referendum, held under the auspices of the Commission, of all patients on the official Kalaupapa Registry.

(e) Termination

The Commission shall expire on the date that is 45 years after December 22, 1980.

(Pub. L. 96-565, title I, §108, Dec. 22, 1980, 94 Stat. 3323; Pub. L. 109-54, title I, §128, Aug. 2, 2005, 119 Stat. 525.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 96-565, Dec. 22, 1980, 94 Stat. 3321, as amended, which enacted this subchapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2005—Subsec. (e). Pub. L. 109-54 substituted “on the date that is 45 years after” for “twenty-five years from”.

§ 410jj-8. Reevaluation of management, etc., policies

At such time when there is no longer a resident patient community at Kalaupapa, the Secretary shall reevaluate the policies governing the management, administration, and public use of the park in order to identify any changes deemed to be appropriate.

(Pub. L. 96-565, title I, §109, Dec. 22, 1980, 94 Stat. 3324.)

§ 410jj-9. Authorization of appropriations

Effective October 1, 1981, there are hereby authorized to be appropriated such sums as may be

necessary to carry out the purposes of this subchapter but not to exceed \$2,500,000 for acquisition of lands and interests in lands and \$1,000,000 for development.

(Pub. L. 96-565, title I, § 110, Dec. 22, 1980, 94 Stat. 3324.)

SUBCHAPTER LIX-I—LYNDON B. JOHNSON
NATIONAL HISTORICAL PARK

§ 410kk. Establishment

In order to preserve in public ownership historically significant properties associated with the life of Lyndon B. Johnson, the Secretary of the Interior is authorized to acquire, by donation or by purchase with donated or appropriated funds, such lands and interests in lands, together with the buildings and improvements thereon, at or in the vicinity of Johnson City, Texas, as are depicted on the drawings entitled "Boundary Map, Lyndon B. Johnson National Historical Park", numbered 447-40,008B and 447-40,000A, and dated January 1980, together with such lands as from time to time may be donated for addition to the site and such lands as he shall deem necessary to provide adequate public parking for visitors at a suitable location. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. When acquired such site shall be known as the Lyndon B. Johnson National Historical Park.

(Pub. L. 91-134, § 1, Dec. 2, 1969, 83 Stat. 274; Pub. L. 96-607, title VI, § 601(1), (3), Dec. 28, 1980, 94 Stat. 3540.)

AMENDMENTS

1980—Pub. L. 96-607 substituted "donated or appropriated funds" for "donated funds", "drawings entitled 'Boundary Map, Lyndon B. Johnson National Historical Park', numbered 447-40,008B and 447-40,000A, and dated January 1980" for "drawing entitled 'Lyndon B. Johnson National Historic Site Boundary Map', numbered NHS-LBJ-20,000 and dated September 1969", and "Lyndon B. Johnson National Historical Park" for "Lyndon B. Johnson National Historic Site".

§ 410kk-1. Administration

The Secretary shall administer the Lyndon B. Johnson National Historical Park in accordance with the provisions of sections 1, 2, 3, and 4 of this title, as amended and supplemented, and sections 461 to 467 of this title.

(Pub. L. 91-134, § 2, Dec. 2, 1969, 83 Stat. 274; Pub. L. 96-607, title VI, § 601(3), Dec. 28, 1980, 94 Stat. 3540.)

AMENDMENTS

1980—Pub. L. 96-607 substituted "National Historical Park" for "National Historic Site".

§ 410kk-2. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, but not more than \$4,100,000 for development and not more than \$1,400,000 for the acquisition of lands and interests therein for the Lyndon B. Johnson National Historical Park.

(Pub. L. 91-134, § 3, Dec. 2, 1969, 83 Stat. 274; Pub. L. 96-87, title IV, § 403, Oct. 12, 1979, 93 Stat. 667;

Pub. L. 96-607, title VI, § 601(2), (3), Dec. 28, 1980, 94 Stat. 3540.)

AMENDMENTS

1980—Pub. L. 96-607 substituted "such sums as may be necessary to carry out the provisions of sections 410kk to 410kk-2 of this title, but not more than \$4,100,000 for development and not more than \$1,400,000 for the acquisition of lands and interests therein for" for "not more than \$680,000 to provide for the development of" and "National Historical Park" for "National Historic Site".

Pub. L. 96-87 increased appropriation authorization from \$180,000 to \$680,000.

SUBCHAPTER LIX-J—WOMEN'S RIGHTS
NATIONAL HISTORICAL PARK

§ 410U. Establishment

(a) Congressional declaration of findings

The Congress finds that—

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 was an event of major importance in the history of the United States because it marked the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 Women's Rights Convention is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine sites located in Seneca Falls and Waterloo, New York, associated with the nineteenth century women's rights movement which should be recognized, preserved, and interpreted for the benefit of the public.

(b) Statement of purposes

It is the purpose of this section to preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of such sites and structures.

(c) Establishment

To carry out the purposes of this section there is hereby established the Women's Rights National Historical Park (hereinafter in this section referred to as the "park"). The park shall consist of the following designated sites in Seneca Falls and Waterloo, New York:

(1) Stanton House, 32 Washington Street, Seneca Falls;

(2) dwelling, 30 Washington Street, Seneca Falls;

(3) dwelling, 34 Washington Street, Seneca Falls;

(4) lot, 26-28 Washington Street, Seneca Falls;

(5) former Wesleyan Chapel, 126 Fall Street, Seneca Falls;

(6) theater, 128 Fall Street, Seneca Falls;

(7) McClintock House, 16 East Williams Street, Waterloo;

(8) Hunt House, 401 East Main Street, Waterloo;