of satisfactory title to him, to accept, on behalf of the United States, title to the lands referred to in section 391b of this title as may be deemed by him necessary or desirable for national-park purposes.

(June 20, 1938, ch. 530, § 2, 52 Stat. 784.)

HAWAI'I VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawai'i Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

§ 396a. Lease of lands to native Hawaiians, residence requirements; fishing

(a) The Secretary of the Interior is authorized to lease, under such rules and regulations as he may deem proper, land ascertained by him to be suitable for home site purposes in the Kalapana extension as described in section 391b of this title, to native Hawaiians when such occupancy does not encroach on or prevent free access to any points of historic, scientific, or scenic interest or in any manner obstruct or interfere with protection and preservation of said area as a part of the Hawaii National Park: *Provided, however*, That occupants of homesites shall reside on the land not less than six months in any one year: *And provided further*, That fishing shall be permitted in said area only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.

(b) The term ''native Hawaiian'', as used in this section, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

(June 20, 1938, ch. 530, § 3, 52 Stat. 784.)

HAWAI'I VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawai'i Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

SUBCHAPTER XLII—HALEAKALĀ NATIONAL PARK

§ 396b. Establishment; boundaries; administration

Effective July 1, 1961, the detached portion of the Hawaii National Park which lies on the island of Maui is established as a separate unit of the national park system to be known as Haleakalā National Park. The park so established shall be administered in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented, and in accordance with any other applicable provision of law relating to the Maui portion of Hawaii National Park.

(Pub. L. 86–744, § 1, Sept. 13, 1960, 74 Stat. 881; Pub. L. 106–510, § 3(b)(1), Nov. 13, 2000, 114 Stat. 2363.)

AMENDMENTS

2000—Pub. L. 106–510 substituted ''Haleakalā National Park'' for ''Haleakala National Park''.

CHANGE OF NAME

Pub. L. 106–510, § 3(b)(2), Nov. 13, 2000, 114 Stat. 2363, provided that: ''Any reference in any law (other than this Act [see Short Title of 2000 Amendments note set out under section 1 of this title]), regulation, document, record, map, or other paper of the United States to 'Haleakala National Park' shall be considered a reference to 'Haleakalā National Park'.''

HAWAI'I VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawai'i Volcanoes National Park, effective Sept. 22, 1961 see section 391d of this title.

§ 396c. Land acquisition; authorization of appropriations

(a) Notwithstanding any limitations on land acquisition as provided by sections 391b, 391b–1, 392b, 392c, 396, and 396a of this title, the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled ''Haleakalā National Park, Segment 03,'' numbered 162–30,000–G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) There is authorized to be appropriated such sums but not to exceed $920,000 as may be necessary to carry out the purposes of this section.

(Pub. L. 86–744, § 2, as added Pub. L. 94–578, title III, § 313, Oct. 21, 1976, 90 Stat. 2737; amended Pub. L. 106–510, § 3(b)(1), Nov. 13, 2000, 114 Stat. 2363.)

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–510 substituted ''Haleakalā National Park'' for ''Haleakala National Park''.

SUBCHAPTER XLII–A—KALOKO-HONOKŌHAU NATIONAL HISTORICAL PARK

§ 396d. Establishment

(a) In general

(1) In order to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource for the education, enjoyment, and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors, there is established the Kaloko-Honokōhau National Historical Park (hereinafter in this section referred to as the ''park'') in Hawaii comprising approximately one thousand three hundred acres as generally depicted on the map entitled ''Kaloko-Honokōhau National Historical Park,'' numbered KHN–80,000, and dated May 1978.

(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as ''Tract A'' on the map entitled ''Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment'', numbered PWR (PISO) 466/82,043 and dated April 2002.

(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) Land acquisition; manner

Except for any lands owned by the State of Hawaii or its subdivisions, which may be ac-

quired only by donation, the Secretary is authorized to acquire the lands described above by donation, exchange, or purchase through the use of donated or appropriated funds, notwithstanding any prior restriction of law.

(c) Administration; applicable provisions

The Secretary shall administer the park in accordance with this section and the provisions of law generally applicable to units of the national park system, including sections 1, 2, 3, 4, and 461 to 467 of this title, and generally in accordance with the guidelines provided in the study report entitled ''Kaloko-Honokōhau'' prepared by the Honokohau Study Advisory Commission and the National Park Service, May 1974, GPO 690–514.

(d) Activities and agreements; native accommodations; cooperative marine management agreement; fishing, shoreline food gathering and small boat harbor activities: regulation; land and water management agreements

(1) In administering the park the Secretary may provide traditional native Hawaiian accommodations.

(2) The Secretary shall consult with and may enter into a cooperative management agreement with the State of Hawaii for the management of the submerged lands within the authorized park boundary, following the marine management policies of the State of Hawaii.

(3) Commercial, recreational, and subsistence fishing and shoreline food gathering activities as well as access to and from the Honokohau small boat harbor by motor boats and other water craft shall be permitted wherever such activities are not inconsistent with the purposes for which the park is established, subject to regulation by the Secretary.

(4) The Secretary shall consult with and may enter into agreements with other governmental entities and private landowners to establish adequate controls on air and water quality and the scenic and esthetic values of the surrounding land and water areas. In consulting with and entering into any such agreements, the Secretary shall to the maximum extent feasible utilize the traditional native Hawaiian Ahupua's concept of land and water management.

(e) Employment of native Hawaiians

In carrying out the purposes of this section the Secretary is authorized and directed as appropriate to employ native Hawaiians. For the purposes of this section, native Hawaiians are defined as any lineal descendants of the race inhabiting the Hawaiian Islands prior to the year 1778.

(f) Advisory Commission; establishment; membership; qualifications; term; Chairman; vacancies; compensation and expenses; ex officio members; duties; meetings; termination

(1) There is hereby established the Na Hoa Pili O Kaloko-Honokōhau (The Friends of Kaloko-Honokōhau), an Advisory Commission for the park. The Commission shall be composed of nine members, appointed by the Secretary, at least five of whom shall be selected from nominations provided by native Hawaiian organizations. All members of the Commission shall be residents of the State of Hawaii, and at least six members shall be native Hawaiians. Members of the Commission shall be appointed for five-year terms except that initial appointment(s) shall consist of two members appointed for a term of five years, two for a term of four years, two for a term of three years, two for a term of two years, and one for a term of one year. No member may serve more than one term consecutively.

(2) The Secretary shall designate one member of the Commission to be Chairman. Any vacancy in the Commission shall be filled by appointment for the remainder of the term.

(3) Members of the Commission shall serve without compensation. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this section on vouchers signed by the Chairman.

(4) The Superintendent of the park, the National Park Service State Director, Hawaii, a person appointed by the Governor of Hawaii, and a person appointed by the mayor of the county of Hawaii, shall serve as ex officio nonvoting members of the Commission.

(5) The Commission shall advise the Director, National Park Service, with respect to the historical, archeological, cultural, and interpretive programs of the park. The Commission shall afford particular emphasis to the quality of traditional native Hawaiian culture demonstrated in the park.

(6) The Commission shall meet not less than twice a year. Additional meetings may be called by the Chairman.

(7) The Advisory Commission shall terminate on December 31, 2018.

(g) Authorization of appropriations

There are hereby authorized to be appropriated not to exceed $25,000,000 for acquisition and $1,000,000 for development.

(Pub. L. 95–625, title V, § 505, Nov. 10, 1978, 92 Stat. 3499; Pub. L. 96–87, title IV, § 401(i), Oct. 12, 1979, 93 Stat. 666; Pub. L. 104–333, div. I, title V, § 503(b), Nov. 12, 1996, 110 Stat. 4155; Pub. L. 106–510, § 3(c)(1), Nov. 13, 2000, 114 Stat. 2363; Pub. L. 108–142, § 2, Dec. 2, 2003, 117 Stat. 1875; Pub. L. 111–11, title VII, § 7401, Mar. 30, 2009, 123 Stat. 1219.)

REFERENCES IN TEXT

Sections 1, 2, 3, and 4 of this title, referred to in subsec. (c), was in the original a reference to the act ''approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 461–467)''. Act Aug. 25, 1916, known as the ''National Park Service Organic Act'', is classified to sections 1, 2, 3, and 4 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1 of this title and Tables.

AMENDMENTS

2009—Subsec. (f)(7). Pub. L. 111–11, which directed substitution of ''on December 31, 2018'' for ''ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996'', was executed by making the substitution for ''ten years after the date of enactment of the Na Hoa Pili Kaloko-Honokōhau Re-establishment Act of 1996'', to reflect the probable intent of Congress.

2003—Subsec. (a). Pub. L. 108–142 designated existing provisions as par. (1), substituted ''1978.'' for ''1978, which shall be on file and available for public inspection in the appropriate offices of the National Park

Service, Department of the Interior.'', and added pars. (2) and (3).

2000—Pub. L. 106–510, § 3(c)(1)(A), amended section catchline.

Subsecs. (a), (c), (f)(1), (7). Pub. L. 106–510, § 3(c)(1)(B), substituted ''Kaloko-Honokōhau'' for ''Kaloko-Honokohau'' wherever appearing.

1996—Subsec. (f)(7). Pub. L. 104–333 substituted ''the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996'' for ''the date of enactment of this Act''.

1979—Subsec. (f)(1). Pub. L. 96–87 substituted ''Na Hoa Pili O Kaloko-Honokohau'' for ''Kaloko-Honokohau Na Hoa Pili O Kaloko-Honokohau''.

CHANGE OF NAME

Pub. L. 106–510, § 3(c)(2), Nov. 13, 2000, 114 Stat. 2364, provided that: ''Any reference in any law (other than this Act [see Short Title of 2000 Amendments note set out under section 1 of this title]), regulation, document, record, map, or other paper of the United States to 'Kaloko-Honokohau National Historical Park' shall be considered a reference to 'Kaloko-Honokōhau National Historical Park'.''

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–142, § 1, Dec. 2, 2003, 117 Stat. 1875, provided that: ''This Act [amending this section] may be cited as the 'Kaloko-Honokōhau National Historical Park Addition Act of 2003'.''

EXTENSION OF KALOKO-HONOKŌHAU ADVISORY COMMISSION

Section 503(a) of title V of div. I of Pub. L. 104–333, as amended by Pub. L. 106–510, § 3(c)(2), Nov. 13, 2000, 114 Stat. 2364, provided that: ''Notwithstanding section 505(f)(7) of Public Law 95–625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O Kaloko-Honokōhau, the Advisory Commission for Kaloko-Honokōhau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by paragraph (2) of this subsection [probably should be 'subsection (b) of this section', amending this section].''

''SECRETARY'' DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95–625, set out as a note under section 2503 of this title.

§ 396e. Exchange of lands

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 396d(a) of this title by first acquiring Federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in section 396d(a) of this title with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

(Pub. L. 96–514, title I, § 100, Dec. 12, 1980, 94 Stat. 2960.)

§ 396f. Acquisition of private lands; creation of surplus property accounts; transfer and sale of accounts

Notwithstanding any other provision of law, the Secretary of the Interior is authorized and shall seek to acquire the private lands described in section 396d(a) of this title, by crediting a surplus property account, to be established in the name of each landowner, in the amount of the acquisition price for such landowner's lands. The National Park Service shall update the existing appraisals for the parcels and, based on the approved appraised values, shall negotiate with the landowners for acquisition prices. Each owner may, using such credits in his surplus property account, bid, as any other bidder for surplus property, wherever located, in accordance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. The Administrator of the General Services Administration shall establish each landowner's surplus property account and shall adjust the credits in such accounts to reflect successful bids under this section. Title to the lands described in this section shall pass to the Government at the time of establishment of the surplus property accounts. The credits in any of the surplus property accounts may be transferred or sold in whole or in part at any time by the landowner to any other party, thereby vesting such party with all the rights of the landowner, and after such transfer, the landowner shall notify the Administrator of the transfer. At any time the Secretary may purchase the balance of any surplus property account subject to the availability of appropriated funds. The land owner[1] may also use the credits in exchange for excess lands, wherever located, under the jurisdiction of the Secretary of the Interior.

(Pub. L. 98–146, title III, § 317, Nov. 4, 1983, 97 Stat. 954; Pub. L. 101–121, title I, Oct. 23, 1989, 103 Stat. 708.)

CODIFICATION

In text, ''chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41'' substituted for ''the Federal Property and Administrative Services Act of 1949'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1989—Pub. L. 101–121 inserted sentence at end authorizing land owner to use the credits in exchange for excess land, wherever located, under the jurisdiction of the Secretary of the Interior.

USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES

Pub. L. 101–165, title IX, § 9102, Nov. 21, 1989, 103 Stat. 1151, as amended by Pub. L. 101–511, title VIII, § 8133(b), Nov. 5, 1990, 104 Stat. 1910; Pub. L. 103–204, § 32(a), Dec. 17, 1993, 107 Stat. 2413, provided that:

''(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

''(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

[1] So in original. Probably should be ''landowner''.

''(2) ACCOUNTS DESCRIBED.—The accounts referred to in subparagraph (B) are—

''(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94–204 (43 U.S.C. 1611 note), referred to in that section as the 'Cook Inlet Region, Incorporated property account'; and

''(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98–146 (16 U.S.C. 396f).

''(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

''(1) tendered from an account described in subsection (a)(2);

''(2) received by the agency as proceeds of such a sale; and

''(3) used by the agency for that specific purpose.

''(c) AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

''(d) AGENCY DEFINED.—In this section the term 'agency' includes—

''(1) any instrumentality of the United States, or

''(2) any element of an agency, or

''(3) any wholly owned or mixed-owned United States Government corporation identified in chapter 91 of title 31, United States Code.

''(e) PROPERTY DEFINED.—Notwithstanding the definition of 'property' found in the Federal Property and Administrative Services Act of 1949, as amended [now 40 U.S.C. 102(9)], in this section the term 'property' includes any property—real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds), or mixed—owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, including but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property as used in this section means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

''(f) The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish procedures to permit the accounts described in subsection (a)(2) to receive deposits, to make deposits into escrow when an escrow is required for the sale of any property, and to reinstate to such accounts any unused escrow deposits if sales are not consummated.''

SUBCHAPTER XLIII—PU`UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK

§ 397. Establishment; boundaries

(a) Establishment

When title to such lands located on the island of Hawaii, within the following-described area, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said lands shall be set apart as the Pu`uhonua o Hōnaunau National Historical Park, in the Territory of Hawaii, for the benefit and inspiration of the people:

PARCEL 1

Being all of R. P. 3306, L. C. Aw. 7219, Apana 2 to Kaliae, all of L. C. Aw. 9470 to Muki, and portions of R. P. 7874, L. C. Aw. 11216 Apana 34 to M. Kekauonohi (Ahupuaa of Honaunau), and R. P. 6852, L. C. Aw. 7712 Apana 1 to M. Kekuanaoa (Ahupuaa of Keokea).

Beginning at a one and one-half-inch pipe in concrete monument called ''Kalani'', at the southeast corner of this parcel, the northeast corner of parcel 3, and on the common boundary of the lands of Keokea and Kiilae, the coordinates of said point of beginning referred to Government Survey Triangulation Station ''Lae-O-Kanoni'' being seven thousand four hundred forty-four and eight-tenths feet south and five thousand three and two-tenths feet east, and running by azimuths measured clockwise from true south:

1. Seventy-nine degrees thirty-three minutes fifteen seconds six hundred and eighty feet along the land of Kiilae, L. C. Aw. 8521–B to G. D. Hueu and passing over a rock called ''Kuwaia'', marked K+K at six hundred seventy-three and two-tenths feet to high-water mark; thence along high-water mark, along seacoast for the next three courses, the direct azimuths and distances between points at seacoast being:

2. One hundred and thirty-five degrees fifty-one minutes three thousand nine hundred seventy-six and one-tenth feet;

3. One hundred and fifty-two degrees twenty-five minutes one thousand and seventy-eight feet;

4. Two hundred and forty degrees fifty-five minutes one thousand two hundred four and four-tenths feet;

5. Three hundred and fifty-four degrees nine minutes two hundred twenty-four and one-tenth feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi, along stone wall and old trail;

6. Two hundred and sixty degrees fifty-four minutes one hundred seventy-five and nine-tenths feet across old trail along stone wall to a ''+'' on rock;

7. One hundred and fifty-eight degrees six minutes seventy-two feet along L. C. Aw. 7296 to Puhi, along stone wall;

8. Two hundred and sixty degrees thirty-six minutes ninety and seven-tenths feet along stone wall;

9. One hundred and ninety-four degrees ten minutes sixty-two and nine-tenths feet along stone wall along L. C. Aw. 7295 and 6979–B:2 to Keolewa;

10. One hundred and seventy-five degrees fifty-four minutes twenty-six and nine-tenths feet along stone wall;

11. Two hundred and fifteen degrees thirty-seven minutes forty-seven and four-tenths feet along stone wall along remainder of L. C. Aw. 11216:34 to M. Kekauonohi;

12. One hundred and seventy-two degrees twenty-eight minutes forty-eight and one-tenth feet along same;

13. Two hundred and twenty-six degrees twenty-three minutes two hundred twenty-eight and eight-tenths feet along remainder of L. C. Aw.