

he shall also transfer any improvements constructed by the Secretary in the park to the Governor without compensation.

(d) Compensation under lease agreement

(1) Notwithstanding any other provision of law, the Secretary is authorized and directed to negotiate with the Governor of American Samoa the amount of the payments to be made by the United States under the 50-year lease referred to in subsection (a) of this section. The Secretary shall make such payments as may be mutually agreed to by the Secretary and the Governor pursuant to such negotiations.

(2) The Secretary shall place all lease payments made by the United States under the lease in an interest bearing escrow account in American Samoa. Funds in such account may be disbursed only by the Governor, in amounts determined by the High Court of American Samoa, to those villages and families located within the boundaries of the park. The High Court of American Samoa shall have exclusive jurisdiction to determine the amount to be disbursed under this section to any person.

(3) If the amount of the lease payments to be made under the lease is not agreed upon within 1 year after October 31, 1988, the Secretary shall establish the escrow account referred to in paragraph (2) within 30 days after the expiration of such 1-year period and shall make monthly payments of \$25,000 per month into the account until such time as the full value of the lease payments is agreed to and deposited. Such deposits, together with the interest thereon, may be used only to cover the amounts of the lease payments due and payable pursuant to an agreement under this subsection. If the amounts deposited in such account, together with interest thereon, exceeds¹ the amount of the lease payments due and payable at the time the agreement is entered into, notwithstanding any other provision of law, the excess shall be transferred to the accounts provided to the Secretary for operation and maintenance and for development of the park.

(Pub. L. 100-571, §2, Oct. 31, 1988, 102 Stat. 2879; Pub. L. 107-336, §1, Dec. 16, 2002, 116 Stat. 2882.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-336 designated existing provisions as par. (1), substituted “(A)”, “(B)”, and “(C)” for “(1)”, “(2)”, and “(3)”, respectively, and added par. (2).

§ 410qq-2. Administration

(a) In general

The Secretary shall administer the park in accordance with this subchapter and with the provisions of law generally applicable to units of the National Park System, including sections 1, 2, 3, and 4 of this title. In the administration of the park, the Secretary may utilize such statutory authority available to him for the conservation of wildlife and natural and cultural resources as he deems necessary to carry out the purposes of this subchapter, except that he may not acquire any lands or waters or interests therein for purposes of the park other than by lease.

¹ So in original. Probably should be “exceed”.

(b) Traditional subsistence uses

(1) Agricultural, cultural, and gathering uses shall be permitted in the park for subsistence purposes if such uses are generally prior existing uses conducted in areas used for such purposes as of October 31, 1988, and if such uses are conducted in the traditional manner and by traditional methods. No such uses shall be permitted in the park for other than subsistence purposes.

(2) Subsistence uses of the marine areas of the park shall also be permitted in accordance with paragraph (1), and no fishing or gathering shall be permitted in such marine areas for other than subsistence purposes.

(c) Interpretive facilities, etc.

Interpretative activities and interpretative facilities for the park (including maps) shall be in at least the following languages: English and Samoan.

(d) Employees and contracts

In addition to the Secretary’s authority to employ persons to carry out provisions of this subchapter in accordance with the civil service laws, and notwithstanding any other provision of law, the Secretary is authorized to—

(1) hire employees for such purposes who shall not be subject to the civil service laws, including quotas, and

(2) enter into contracts with individuals for purposes of exercising any authority of the Secretary within the park.

(e) Native American Samoan personnel

The Secretary shall establish a program to train native American Samoan personnel to function as professional park service employees, to provide services to visitors (including the interpretation of park resources), and operate and maintain park facilities. Notwithstanding any other provision of law, and to the extent practicable the Secretary shall extend a preference for the hiring of native American Samoans to carry out the Secretary’s authorities under this subchapter (including both employees and persons operating under contract).

(f) Management plan

The Secretary, in cooperation with the Governor of American Samoa, shall prepare a general management plan for the park. The plan shall comply with section 1a-7(b) of this title and shall contain specific measures for the protection and preservation of tropical forest resources and archaeological and cultural resources within the park, including, but not limited to, protection of flying foxes and measures to enhance visitation to the park from throughout the world, to the extent consistent with the protection and preservation of such resources.

(g) Advisory Board

(1) The Secretary shall establish an Advisory Board to provide advice to the Secretary regarding the management of the park. The Advisory Board shall be comprised of 5 members, 3 of whom shall be nominated by the Governor of American Samoa. The Advisory Board shall designate one of its members as Chairman.

(2) The Advisory Board shall meet on a regular basis. Notice of meetings and agenda shall be

announced in advance and meetings shall be held at locations and in such a manner as to insure adequate public involvement.

(3) Members of the Advisory Board shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this subchapter on vouchers signed by the Chairman.

(4) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Board.

(h) Review

At least every 10 years, the Secretary and the Governor, or their designees, shall review the operation and management of the park. Such review shall include, but need not be limited to, consideration of how the objectives of the park can better be achieved, the need for additional technical or other assistance, cooperative arrangements between the Government of American Samoa and the National Park Service in the interpretation and management of the park, and the desirability of extension of the lease arrangement.

(i) Technical assistance

The Secretary, in providing technical or other assistance to the Government of American Samoa may use any authority otherwise provided to him, including requesting assistance from other Federal agencies.

(Pub. L. 100-571, § 3, Oct. 31, 1988, 102 Stat. 2881.)

REFERENCES IN TEXT

Section 14(b) of the Federal Advisory Committee Act, referred to in subsec. (g)(4), is section 14(b) of Pub. L. 92-463, which is set out in the Appendix to Title 5.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 410qq-3. "Native American Samoan" defined

For purposes of this subchapter the term "native American Samoan" means a person who is a citizen or national of the United States and who is a lineal descendant of an inhabitant of the Samoan Islands on April 18, 1900. For purposes of this subchapter, Swains Island shall be considered part of the Samoan Islands.

(Pub. L. 100-571, § 4, Oct. 31, 1988, 102 Stat. 2882.)

§ 410qq-4. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

(Pub. L. 100-571, § 5, Oct. 31, 1988, 102 Stat. 2883.)

SUBCHAPTER LIX-P—PECOS NATIONAL HISTORICAL PARK

§ 410rr. Purpose

The purpose of this subchapter is—

(1) to recognize the multitheme history, including the cultural interaction among diverse groups of people, of the Pecos area and its "gateway" role between the Great Plains and the Rio Grande Valley, and

(2) to provide for the preservation and interpretation of the cultural and natural resources of the Forked Lightning Ranch by establishing the Pecos National Historical Park.

(Pub. L. 101-313, title II, § 201, June 27, 1990, 104 Stat. 278.)

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-536, § 1, Nov. 8, 1990, 104 Stat. 2368, provided that: "This Act [enacting section 410rr-7 of this title and provisions set out as a note under section 410rr-7 of this title] may be cited as the 'Pecos National Historical Park Expansion Act of 1990'."

§ 410rr-1. Establishment

(a) Preservation of existing Pecos National Monument and related resources

In order to enhance and preserve the existing Pecos National Monument and related nationally significant resources for the benefit and enjoyment of present and future generations, there is hereby established the Pecos National Historical Park (hereinafter in this subchapter referred to as the "park").

(b) Park boundaries

The park shall include the existing Pecos National Monument and the area known as the Forked Lightning Ranch which surrounds the Pecos National Monument and shall consist of approximately 5,865 acres of the lands and interests in lands as generally depicted on the map entitled "Pecos National Historical Park Boundary Concept", numbered 430/80028 and dated March 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter in this subchapter referred to as the "Secretary") may from time to time make minor revisions in the boundary of the park in accordance with section 460l-9(c) of this title.

(c) Availability of monument funds for park purposes

The Act entitled "An Act to authorize the establishment of Pecos National Monument in the State of New Mexico, and for other purposes" approved June 28, 1965 (79 Stat. 195), is hereby repealed, and any funds available for purposes of the Pecos National Monument shall be available for purposes of the park.

(Pub. L. 101-313, title II, § 202, June 27, 1990, 104 Stat. 278.)

REFERENCES IN TEXT

The Act entitled "An Act to authorize the establishment of Pecos National Monument in the State of New Mexico, and for other purposes" approved June 28, 1965, referred to in subsec. (c), is Pub. L. 89-54, June 28, 1965, 79 Stat. 195, which enacted provisions listed in a Mis-