

fectured by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement.

(d) Expenses

Members of the Advisory Commission 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.

(e) Charter

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 Commission.

(Pub. L. 100-479, § 6, Oct. 7, 1988, 102 Stat. 2326.)

REFERENCES IN TEXT

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

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions 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 commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission 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.

§ 410oo-6. Authorization of appropriations

There are hereby authorized to be appropriated not to exceed \$12,000,000 to carry out this subchapter.

(Pub. L. 100-479, § 7, Oct. 7, 1988, 102 Stat. 2327.)

SUBCHAPTER LIX-N—ZUNI-CIBOLA
NATIONAL HISTORICAL PARK

§§ 410pp to 410pp-8. Omitted

CODIFICATION

Sections 410pp to 410pp-8 were omitted pursuant to section 410pp which terminated and the Zuni-Cibola National Historical Park was not established, because notice of acceptance of a leasehold interest in the Zuni Indian Reservation was not published during the required period of time.

Section 410pp, Pub. L. 100-567, § 2, Oct. 31, 1988, 102 Stat. 2847; Pub. L. 101-313, title III, § 302(1), June 27, 1990, 104 Stat. 279, provided for establishment of the Zuni-Cibola National Historical Park effective on the date of publication by the Secretary of a notice of acceptance of a leasehold interest in the Zuni Indian Reservation pursuant to section 410pp-1 and provided for termination of this section six years after Oct. 31, 1988, unless prior to the end of that six-year period the Secretary had published such a notice.

Section 410pp-1, Pub. L. 100-567, § 3, Oct. 31, 1988, 102 Stat. 2847; Pub. L. 101-313, title III, § 302(2), June 27, 1990, 104 Stat. 279; Pub. L. 103-437, § 6(k), Nov. 2, 1994, 108 Stat. 4586, set forth conditions under which the Secretary could accept a leasehold offer from the Zuni Tribe, required preparation of a map of the park upon acceptance of the leasehold, and provided for boundary adjustments.

Section 410pp-2, Pub. L. 100-567, § 4, Oct. 31, 1988, 102 Stat. 2848, related to management of the park.

Section 410pp-3, Pub. L. 100-567, § 5, Oct. 31, 1988, 102 Stat. 2849, required consistency with the general management plan for the park and protection from significant adverse effects on the park by any Federal agency with activities affecting the park.

Section 410pp-4, Pub. L. 100-567, § 6, Oct. 31, 1988, 102 Stat. 2849, established the Zuni-Cibola National Historical Park Advisory Commission and provided for the terms of its members, its expenses, Chair, and meetings, and applicability of the Federal Advisory Committee Act.

Section 410pp-5, Pub. L. 100-567, § 7, Oct. 31, 1988, 102 Stat. 2850; Pub. L. 103-437, § 6(k), Nov. 2, 1994, 108 Stat. 4586, related to a general management plan for the park.

Section 410pp-6, Pub. L. 100-567, § 8, Oct. 31, 1988, 102 Stat. 2851; Pub. L. 103-437, § 6(k), Nov. 2, 1994, 108 Stat. 4586, related to cultural and religious uses of the park.

Section 410pp-7, Pub. L. 100-567, § 9, Oct. 31, 1988, 102 Stat. 2851, set forth definitions.

Section 410pp-8, Pub. L. 100-567, § 11, Oct. 31, 1988, 102 Stat. 2852, authorized appropriations.

SHORT TITLE

Section 1 of Pub. L. 100-567 provided that Pub. L. 100-567, which enacted this subchapter and amended section 460ou-12 of this title, could be cited as the “Zuni-Cibola National Historical Park Establishment Act of 1988”.

SUBCHAPTER LIX-O—NATIONAL PARK OF
AMERICAN SAMOA

§ 410qq. Findings and purpose

(a) Findings

The Congress finds that:

(1) Tropical forests are declining worldwide.

(2) Tropical forests contain 50 percent of the world’s plant and animal species, contribute significantly to the advancement of science, medicine, and agriculture and produce much of the earth’s oxygen. The loss of these forests leads to the extinction of species, lessening the world’s biological diversity, reduces the potential for new medicines and crops and increases carbon dioxide levels in the atmosphere¹ contributing to the greenhouse effect that is altering the global climate.

(3) The tropical forest of American Samoa is one of the last remaining undisturbed paleotropical forests.

(4) The tropical forest in American Samoa is the largest such forest under direct control of the United States.

(5) The tropical forest of American Samoa contains the habitat of one of the last remaining populations of Pacific flying foxes.

(6) The flying foxes of American Samoa are responsible for a large part of the pollination which maintains a significant portion of the species which inhabit the Samoan tropical forest.

(7) Information presently available indicates the existence of extensive archaeological evidence related to the development of the Samoan culture which needs to be examined and protected.

(8) The people of American Samoa have expressed a desire to have a portion of the tropical forest protected as a unit of the National Park System.

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

(b) Purpose

The purpose of this subchapter is to preserve and protect the tropical forest and archaeological and cultural resources of American Samoa, and of associated reefs, to maintain the habitat of flying foxes, preserve the ecological balance of the Samoan tropical forest, and, consistent with the preservation of these resources, to provide for the enjoyment of the unique resources of the Samoan tropical forest by visitors from around the world.

(Pub. L. 100-571, §1, Oct. 31, 1988, 102 Stat. 2879.)

§ 410qq-1. Establishment**(a) In general**

In order to carry out the purposes expressed in section 410qq(b) of this title, the Secretary of the Interior (hereinafter in this subchapter referred to as the "Secretary") shall establish the National Park of American Samoa (hereinafter in this subchapter referred to as the "park"). The Secretary shall establish the park only when the Governor of American Samoa has entered into a lease with the Secretary under which the Secretary will lease for a period of 50 years the lands and waters generally referred to in subsection (b) for use solely for purposes of the park. Immediately after October 31, 1988, the Secretary shall commence negotiations with the Governor of American Samoa respecting such a lease agreement. On or before the expiration of the lease agreement as set forth in this subsection, the Governor of American Samoa is encouraged to extend the lease to maintain the area as a unit of the National Park System. At such time as the lease may terminate the Government of American Samoa is urged to provide assurances to the Secretary that the lands and waters generally referred to in subsection (b) will be protected and preserved to the same standards as are applicable to national parks.

(b) Area included

(1) The park shall consist of three units as generally depicted on the following maps entitled "Boundary Map, National Park of American Samoa": (A) map number NP-AS 80,000A, dated August 1988, (B) map number NP-AS 80,000B, dated August 1988, and (C) map number NP-AS 80,000C, dated August 1988. Before publication of the maps, the Secretary, after consultation with the Governor of American Samoa and other appropriate leaders, may adjust the boundaries of the park to correspond with the appropriate village boundaries and modify the maps accordingly. The maps shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may at any time make revisions of the boundary of the park in accordance with section 100506(c) of title 54, pursuant to agreement with the Governor of American Samoa, and contingent upon the lease to the Secretary of lands within the new boundaries.

(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled "National Park of American Samoa, Proposed Boundary Adjustment", numbered 82,035 and

dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.

(c) Management by American Samoa

Notwithstanding section 410qq-2(a) of this title, after 50 years after October 31, 1988, the Secretary shall, if requested by the Governor of American Samoa, enter into an extension of the lease referred to in subsection (a). If the Governor does not request such an extension the Secretary shall transfer to the Governor the sole authority to administer the park. Whenever the Secretary makes such a transfer 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). 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.)

CODIFICATION

In subsec. (b)(1), "section 100506(c) of title 54" substituted for "section 7(c) of the Land and Water Con-

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

servation Fund Act of 1965 (16 U.S.C. 4601-4 [sic] and following)" on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

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 the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).¹ 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.

(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 100502 of title 54 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

The Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), referred to in subsec. (a), is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted

¹ See References in Text note below.

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.

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.

CODIFICATION

In subsec. (f), “section 100502 of title 54” substituted for “section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-1 through 1a-7)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

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 chapter.

(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 100506(c) of title 54.

(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 (79 Stat. 195), referred to in subsec. (c), is Pub. L. 89-54, June 28, 1965, 79 Stat. 195, which enacted provisions listed in a Miscellaneous National Monuments table set out under section 320301 of Title 54, National Park Service and Related Programs.

CODIFICATION

In subsec. (b), “section 100506(c) of title 54” substituted for “section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-4 and following)” on authority of Pub. L. 113-287, §6(e), Dec. 19, 2014, 128 Stat. 3272, which Act enacted Title 54, National Park Service and Related Programs.

§ 410rr-2. Acquisition of lands, waters, and interests in lands and waters

The Secretary is authorized to acquire lands, waters, and interests therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange: *Provided, however*, That the Secretary may not acquire lands within the Forked Lightning Ranch as depicted on the map from the owner of record