

AMENDMENTS

2000—Pub. L. 106-510 substituted “Hawai‘i Volcanoes National Park” for “Hawaii Volcanoes National Park”.

CHANGE OF NAME

Pub. L. 106-510, §3(a)(2), Nov. 13, 2000, 114 Stat. 2363, provided that: “Any reference in any law (other than this Act [see Tables for classification]), regulation, document, record, map, or other paper of the United States to ‘Hawaii Volcanoes National Park’ shall be considered a reference to ‘Hawai‘i Volcanoes National Park’.”

§ 392. Acquisition of privately owned lands

The governor of the Territory of Hawaii is authorized to acquire, at the expense of the Territory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by section 391 of this title, and all necessary perpetual easements and rights-of-way, or roadways, in fee simple, over or to said land or any part thereof, but the provisions of section 73 of an Act entitled “An Act to provide a government for the Territory of Hawaii,” approved April 30, 1900, as amended by an Act approved May 27, 1910, relating to exchanges of public lands shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to.

(Feb. 27, 1920, ch. 89, §§1, 2, 41 Stat. 452, 453.)

REFERENCES IN TEXT

Section 73 of an Act approved April 30, 1900, as amended, referred to in text, was classified to sections 663, 664, 665 to 677b, 1509 to 1512 of Title 48, Territories and Insular Possessions. Those sections were omitted from the Code as obsolete.

CODIFICATION

Section 1 of act Feb. 27, 1920, is the source of that portion of this section preceding “but the provisions of section 73”; remainder being from section 2 of that Act.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 FR 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

HAWAII 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.

HALEAKALĀ NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakalā National Park, effective July 1, 1961, see section 396b of this title.

EXTENSION OF APPLICATION

Act Apr. 11, 1928, ch. 359, §2, 45 Stat. 426, extended provisions of this section and made them applicable to lands added to the park and included within boundary established by section 391 of this title.

§ 392a. Provisions of section 392 extended to additional lands

The provisions of section 392 of this title are extended over and made applicable to the lands

added to the park and included within the boundary established by section 391a of this title.

(Feb. 12, 1927, ch. 111, §2, 44 Stat. 1089.)

HALEAKALĀ NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakalā National Park, effective July 1, 1961, see section 396b of this title.

§ 392b. Conveyance of added lands to United States by Governor

The Governor of the Territory of Hawaii is authorized to convey to the United States any and all lands and interests in lands acquired by the Territorial Government under the provisions of sections 391b, 391b-1, 392c, 396, 396a of this title.

(June 20, 1938, ch. 530, §4, 52 Stat. 785.)

CODIFICATION

Section is comprised of the last provision of section 4 of act June 20, 1938, the remainder of which is classified to section 391b-1 of this title.

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the union was accomplished on Aug. 21, 1959, on issuance of Proc. No. 3309, Aug. 21, 1959, 24 FR 6868, 73 Stat. c74, as required by sections 1 and 7(c) of Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as notes preceding section 491 of Title 48, Territories and Insular Possessions.

§ 392c. Addition to Hawai‘i Volcanoes National Park**(a) Acquisition of land**

Notwithstanding any other provision of sections 391b, 391b-1, 392b, 396, and 396a of this title, the Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to acquire by donation or exchange the land and interests therein comprising approximately 5,650 acres and identified as tract number 118/22 on the map entitled “Recommended Land Acquisition”, in the Hawai‘i Volcanoes National Park Land Protection Plan as recommended May 17, 1985, which plan shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of the Interior, Washington, D.C. and the Office of the Superintendent, Hawai‘i Volcanoes National Park, Hawaii.

(b) Exchange of land; equalization payments

In exercising his authority to acquire the real property referred to in subsection (a) by exchange, the Secretary may accept title thereto and in exchange therefor he may convey to the grantor of such real property title to any United States Government real property under his administrative jurisdiction, other than real property within or administered as a part of the National Park System, in the State of Hawaii which he determines is suitable for such exchange. The values of the properties exchanged shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. In no circumstance shall an equalization payment exceed one fourth (25 percent) the ap-