

ical 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 460uu-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 atmosphere<sup>1</sup> 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.

##### (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.

<sup>1</sup> So in original. Probably should be “atmosphere”.

**(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, exceeds<sup>1</sup> 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 Conservation 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).<sup>1</sup> 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 gen-

<sup>1</sup> So in original. Probably should be “exceed”.

<sup>1</sup> See References in Text note below.