

(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 F.R. 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 appraised value of the real property referred to in subsection (a). Any money paid to the Secretary shall be deposited as miscellaneous receipts in the Treasury of the United States.

(c) State owned land; acquisition only by donation or exchange

Real property owned by the State of Hawaii or any political subdivision thereof may be acquired only by donation or exchange.

(d) Transfer of administrative jurisdiction over surplus federally owned real property in Hawaii to facilitate exchange; exchange of land with State of Hawaii, consultation, limitation

(1) In order to facilitate the acquisition of the real property referred to in subsection (a) by exchange, notwithstanding any other provision of law, upon request of the Secretary, the Adminis-

trator of General Services shall transfer to the Secretary, without reimbursement, administrative jurisdiction over any excess or surplus United States Government real property in the State of Hawaii for purposes of such an exchange.

(2) For the purposes of a land exchange with the State of Hawaii, the Secretary shall consult with the State of Hawaii in the process of identifying suitable exchange lands belonging to the United States Government.

(3) For the purposes of a land exchange with the State of Hawaii, real property owned by the United States Government and selected for use in a land exchange shall not be from among those lands ceded to the United States Government.

(e) Administration of land acquired

The real property acquired by the Secretary pursuant to this section shall be administered by the Secretary as part of Hawai'i Volcanoes National Park, subject to the laws and regulations applicable to the Park.

(f) Authorization of appropriations

There is hereby authorized to be appropriated up to \$700,000 to carry out the purpose of this section.

(June 20, 1938, ch. 530, § 5, as added Pub. L. 99-564, § 1, Oct. 27, 1986, 100 Stat. 3179; amended Pub. L. 108-352, § 3, Oct. 21, 2004, 118 Stat. 1395.)

AMENDMENTS

2004—Pub. L. 108-352 substituted "Hawai'i Volcanoes" for "Hawaii Volcanoes" in two places in subsec. (a) and in subsec. (e).

§ 393. Entries under land laws; rights-of-way; lands excluded

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to August 1, 1916, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park the Act of February fifteenth, nineteen hundred and one,¹ applicable to the location of rights of way in certain national parks and the national forests for irrigation and other purposes, shall be and remain applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights-of-way for steam, electric, or similar transportation upon or across the park. No lands located within the park boundaries held in private or municipal ownership prior to August 1, 1916, shall be affected by or subject to the provisions of this section and sections 391 and 394 of this title.

(Aug. 1, 1916, ch. 264, §§ 2, 3, 39 Stat. 433, 434.)

REFERENCES IN TEXT

Herein, referred to in text, means act Aug. 1, 1916, which is classified to sections 391, 393 and 394 of this title. For complete classification of this Act to the Code, see Tables.

¹ See References in Text note below.