

tional Park, effective July 1, 1961, see section 396b of this title.

**§§ 395a, 395b. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 395a, act Apr. 19, 1930, ch. 200, § 2, 46 Stat. 227, related to courts having jurisdiction of offenses. See section 3231 of Title 18, Crimes and Criminal Procedure, and rule 18 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 395b, act Apr. 19, 1930, ch. 200, § 3, 46 Stat. 227, related to applicability of Hawaiian laws to offenses. See section 13 of Title 18.

**§ 395c. Hunting and fishing; general rules and regulations; protection of property; violation of statutes and rules; penalties**

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park; nor shall any fish be taken out of the waters of the park in any other way than by hook and line, and then only at such seasons and in such times and manner as may be directed by the Secretary of the Interior. That the Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the park. Possession within said park of the dead bodies, or any part thereof, of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating this Act. Any person or persons, or stage or express company, or railway company, who knows or has reason to believe that they were taken or killed contrary to the provisions of this Act and who receives for transportation any of said animals, birds, or fish so killed, caught, or taken, or who shall violate any of the provisions of this Act or any rule or regulation that may be promulgated by the Secretary of the Interior with reference to the management and care of the park or for the protection of the property therein, for the preservation from injury or spoliation of timber, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, or fish in the park, or who shall within said park willfully commit any damage, injury, or spoliation to or upon any building, fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, natural curiosities, or other matter or thing growing or being thereon or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment not exceeding six months, or both, and be adjudged to pay all costs of the proceedings.

(Apr. 19, 1930, ch. 200, § 4, 46 Stat. 227.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 19, 1930, which is classified to sections 395 to 395j of this title. For complete classification of this Act to the Code, see Tables.

HAWAI'I 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.

**§ 395d. Forfeiture of property used for unlawful purposes**

All guns, traps, teams, horses, or means of transportation of every nature or description used by any person or persons within said park limits when engaged in killing, trapping, ensnaring, or capturing such wild beasts, birds, or animals shall be forfeited to the United States and may be seized by the officers in said park and held pending the prosecution of any person or persons arrested under charge of violating the provisions of this Act, and upon conviction under this Act of such person or persons using said guns, traps, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment provided in this Act. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior.

(Apr. 19, 1930, ch. 200, § 5, 46 Stat. 228.)

REFERENCES IN TEXT

This Act, referred to in text, is act Apr. 19, 1930, which is classified to section 395 to 395j of this title. For complete classification of this Act to the Code, see Tables.

HAWAI'I 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.

**§§ 395e to 395j. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948**

Section 395e, acts Apr. 19, 1930, ch. 200, § 6, 46 Stat. 228; June 25, 1938, ch. 684, § 1, 52 Stat. 1164; June 28, 1938, ch. 778, § 1, 52 Stat. 1213; Apr. 21, 1948, ch. 223, § 2, 62 Stat. 196, related to appointment and jurisdiction of United States commissioners. See provisions covering United States magistrate judges in section 631 et seq. of Title 28, Judiciary and Judicial Procedure.

Section 395f, act Apr. 19, 1930, ch. 200, § 7, 46 Stat. 228, related to issuance of process. See sections 3041 and 3141 of Title 18, Crimes and Criminal Procedure, and rules 4, 5(c), and 9 of Federal Rules of Criminal Procedure, Title 18, Appendix.

Section 395g, act Apr. 19, 1930, ch. 200, § 8, 46 Stat. 229, related to whom process issued. See section 3053 of

Title 18, rule 4 of Federal Rules of Criminal Procedure, Title 18, Appendix, and rule 4 of Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

Section 395h, acts Apr. 19, 1930, ch. 200, §9, 46 Stat. 229; June 25, 1938, ch. 684, §2, 52 Stat. 1164; June 28, 1938, ch. 778, §1, 52 Stat. 1213, relating to commissioner's [now magistrate judge's] salary. See section 633 of Title 28.

Section 395i, act Apr. 19, 1930, ch. 200, §10, 46 Stat. 229, related to fees and costs chargeable to United States. See section 604 of Title 28.

Section 395j, act Apr. 19, 1930, ch. 200, §11, 46 Stat. 229, related to disposition of fines and costs. See section 634 of Title 28.

### § 396. Additional lands; acceptance of title

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of satisfactory title to him, to accept, on behalf of the United States, title to the lands referred to in section 391b of this title as may be deemed by him necessary or desirable for national-park purposes.

(June 20, 1938, ch. 530, §2, 52 Stat. 784.)

#### HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

### § 396a. Lease of lands to native Hawaiians, residence requirements; fishing

(a) The Secretary of the Interior is authorized to lease, under such rules and regulations as he may deem proper, land ascertained by him to be suitable for home site purposes in the Kalapana extension as described in section 391b of this title, to native Hawaiians when such occupancy does not encroach on or prevent free access to any points of historic, scientific, or scenic interest or in any manner obstruct or interfere with protection and preservation of said area as a part of the Hawaii National Park: *Provided, however*, That occupants of homesites shall reside on the land not less than six months in any one year: *And provided further*, That fishing shall be permitted in said area only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.

(b) The term "native Hawaiian", as used in this section, means any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.

(June 20, 1938, ch. 530, §3, 52 Stat. 784.)

#### HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawaii Volcanoes National Park, effective Sept. 22, 1961, see section 391d of this title.

#### SUBCHAPTER XLII—HALEAKALĀ NATIONAL PARK

### § 396b. Establishment; boundaries; administration

Effective July 1, 1961, the detached portion of the Hawaii National Park which lies on the island of Maui is established as a separate unit of the national park system to be known as

Haleakalā National Park. The park so established shall be administered in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535),<sup>1</sup> as amended and supplemented, and in accordance with any other applicable provision of law relating to the Maui portion of Hawaii National Park.

(Pub. L. 86-744, §1, Sept. 13, 1960, 74 Stat. 881; Pub. L. 106-510, §3(b)(1), Nov. 13, 2000, 114 Stat. 2363.)

#### 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), referred to in text, is act Aug. 25, 1916, ch. 408, 39 Stat. 535, known as the National Park Service Organic Act, which enacted 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.

#### AMENDMENTS

2000—Pub. L. 106-510 substituted "Haleakalā National Park" for "Haleakala National Park".

#### CHANGE OF NAME

Pub. L. 106-510, §3(b)(2), Nov. 13, 2000, 114 Stat. 2363, provided that: "Any reference in any law (other than this Act [see Short Title of 2000 Amendments note set out under section 1 of this title]), regulation, document, record, map, or other paper of the United States to 'Haleakala National Park' shall be considered a reference to 'Haleakalā National Park'."

#### HAWAII VOLCANOES NATIONAL PARK

Designation of portion of Hawaii National Park situated on island of Hawaii as Hawaii Volcanoes National Park, effective Sept. 22, 1961 see section 391d of this title.

### § 396c. Land acquisition; authorization of appropriations

(a) Notwithstanding any limitations on land acquisition as provided by sections 391b, 391b-1, 392b, 392c, 396, and 396a of this title, the Secretary of the Interior may acquire for addition to the park any land on the island of Maui within the boundaries of the area generally depicted on the map entitled "Haleakalā National Park, Segment 03," numbered 162-30,000-G, and dated May 1972, by donation, purchase with donated or appropriated funds, or exchange. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) There is authorized to be appropriated such sums but not to exceed \$920,000 as may be necessary to carry out the purposes of this section.

(Pub. L. 86-744, §2, as added Pub. L. 94-578, title III, §313, Oct. 21, 1976, 90 Stat. 2737; amended Pub. L. 106-510, §3(b)(1), Nov. 13, 2000, 114 Stat. 2363.)

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