

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-510 substituted “Haleakalā National Park” for “Haleakala National Park”.

SUBCHAPTER XLII-A—KALOKO-HONOKŌHAU
NATIONAL HISTORICAL PARK

§ 396d. Establishment

(a) In general

(1) In order to provide a center for the preservation, interpretation, and perpetuation of traditional native Hawaiian activities and culture, and to demonstrate historic land use patterns as well as to provide a needed resource for the education, enjoyment, and appreciation of such traditional native Hawaiian activities and culture by local residents and visitors, there is established the Kaloko-Honokōhau National Historical Park (hereinafter in this section referred to as the “park”) in Hawaii comprising approximately one thousand three hundred acres as generally depicted on the map entitled “Kaloko-Honokōhau National Historical Park,” numbered KHN-80,000, and dated May 1978.

(2) The boundaries of the park are modified to include lands and interests therein comprised of Parcels 1 and 2 totaling 2.14 acres, identified as “Tract A” on the map entitled “Kaloko-Honokōhau National Historical Park Proposed Boundary Adjustment”, numbered PWR (PISO) 466/82,043 and dated April 2002.

(3) The maps referred to in this subsection shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) Land acquisition; manner

Except for any lands owned by the State of Hawaii or its subdivisions, which may be acquired only by donation, the Secretary is authorized to acquire the lands described above by donation, exchange, or purchase through the use of donated or appropriated funds, notwithstanding any prior restriction of law.

(c) Administration; applicable provisions

The Secretary shall administer the park in accordance with this section and the provisions of law generally applicable to units of the national park system, including the Acts approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 461-467),¹ and August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.),¹ and generally in accordance with the guidelines provided in the study report entitled “Kaloko-Honokōhau” prepared by the Honokohau Study Advisory Commission and the National Park Service, May 1974, GPO 690-514.

(d) Activities and agreements; native accommodations; cooperative marine management agreement; fishing, shoreline food gathering and small boat harbor activities; regulation; land and water management agreements

(1) In administering the park the Secretary may provide traditional native Hawaiian accommodations.

(2) The Secretary shall consult with and may enter into a cooperative management agreement

with the State of Hawaii for the management of the submerged lands within the authorized park boundary, following the marine management policies of the State of Hawaii.

(3) Commercial, recreational, and subsistence fishing and shoreline food gathering activities as well as access to and from the Honokohau small boat harbor by motor boats and other water craft shall be permitted wherever such activities are not inconsistent with the purposes for which the park is established, subject to regulation by the Secretary.

(4) The Secretary shall consult with and may enter into agreements with other governmental entities and private landowners to establish adequate controls on air and water quality and the scenic and esthetic values of the surrounding land and water areas. In consulting with and entering into any such agreements, the Secretary shall to the maximum extent feasible utilize the traditional native Hawaiian Ahupua’a concept of land and water management.

(e) Employment of native Hawaiians

In carrying out the purposes of this section the Secretary is authorized and directed as appropriate to employ native Hawaiians. For the purposes of this section, native Hawaiians are defined as any lineal descendants of the race inhabiting the Hawaiian Islands prior to the year 1778.

(f) Advisory Commission; establishment; membership; qualifications; term; Chairman; vacancies; compensation and expenses; ex officio members; duties; meetings; termination

(1) There is hereby established the Na Hoa Pili O Kaloko-Honokōhau (The Friends of Kaloko-Honokōhau), an Advisory Commission for the park. The Commission shall be composed of nine members, appointed by the Secretary, at least five of whom shall be selected from nominations provided by native Hawaiian organizations. All members of the Commission shall be residents of the State of Hawaii, and at least six members shall be native Hawaiians. Members of the Commission shall be appointed for five-year terms except that initial appointment(s) shall consist of two members appointed for a term of five years, two for a term of four years, two for a term of three years, two for a term of two years, and one for a term of one year. No member may serve more than one term consecutively.

(2) The Secretary shall designate one member of the Commission to be Chairman. Any vacancy in the Commission shall be filled by appointment for the remainder of the term.

(3) Members of the Commission shall serve without compensation. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this section on vouchers signed by the Chairman.

(4) The Superintendent of the park, the National Park Service State Director, Hawaii, a person appointed by the Governor of Hawaii, and a person appointed by the mayor of the county of Hawaii, shall serve as ex officio nonvoting members of the Commission.

(5) The Commission shall advise the Director, National Park Service, with respect to the historical, archeological, cultural, and interpretive

¹ See References in Text note below.

programs of the park. The Commission shall afford particular emphasis to the quality of traditional native Hawaiian culture demonstrated in the park.

(6) The Commission shall meet not less than twice a year. Additional meetings may be called by the Chairman.

(7) The Advisory Commission shall terminate on December 31, 2018.

(g) Authorization of appropriations

There are hereby authorized to be appropriated not to exceed \$25,000,000 for acquisition and \$1,000,000 for development.

(Pub. L. 95-625, title V, §505, Nov. 10, 1978, 92 Stat. 3499; Pub. L. 96-87, title IV, §401(i), Oct. 12, 1979, 93 Stat. 666; Pub. L. 104-333, div. I, title V, §503(b), Nov. 12, 1996, 110 Stat. 4155; Pub. L. 106-510, §3(c)(1), Nov. 13, 2000, 114 Stat. 2363; Pub. L. 108-142, §2, Dec. 2, 2003, 117 Stat. 1875; Pub. L. 111-11, title VII, §7401, Mar. 30, 2009, 123 Stat. 1219.)

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 461-467), referred to in subsec. (c), 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.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (c), is act Aug. 21, 1935, ch. 593, 49 Stat. 666, known as the Historic Sites Act of 1935 and also as the Historic Sites, Buildings, and Antiquities Act, which enacted sections 461 to 467 of this title. The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service and Related Programs, 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

2009—Subsec. (f)(7). Pub. L. 111-11, which directed substitution of “on December 31, 2018” for “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996”, was executed by making the substitution for “ten years after the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996”, to reflect the probable intent of Congress.

2003—Subsec. (a). Pub. L. 108-142 designated existing provisions as par. (1), substituted “1978.” for “1978, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.”, and added pars. (2) and (3).

2000—Pub. L. 106-510, §3(c)(1)(A), amended section catchline.

Subsecs. (a), (c), (f)(1), (7). Pub. L. 106-510, §3(c)(1)(B), substituted “Kaloko-Honokohau” for “Kaloko-Honokohau” wherever appearing.

1996—Subsec. (f)(7). Pub. L. 104-333 substituted “the date of enactment of the Na Hoa Pili Kaloko-

Honokohau Re-establishment Act of 1996” for “the date of enactment of this Act”.

1979—Subsec. (f)(1). Pub. L. 96-87 substituted “Na Hoa Pili O Kaloko-Honokohau” for “Kaloko-Honokohau Na Hoa Pili O Kaloko-Honokohau”.

CHANGE OF NAME

Pub. L. 106-510, §3(c)(2), Nov. 13, 2000, 114 Stat. 2364, 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 ‘Kaloko-Honokohau National Historical Park’ shall be considered a reference to ‘Kaloko-Honokohau National Historical Park’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-142, §1, Dec. 2, 2003, 117 Stat. 1875, provided that: “This Act [amending this section] may be cited as the ‘Kaloko-Honokohau National Historical Park Addition Act of 2003’.”

EXTENSION OF KALOKO-HONOKOHOU ADVISORY COMMISSION

Section 503(a) of title V of div. I of Pub. L. 104-333, as amended by Pub. L. 106-510, §3(c)(2), Nov. 13, 2000, 114 Stat. 2364, provided that: “Notwithstanding section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by paragraph (2) of this subsection [probably should be ‘subsection (b) of this section’, amending this section].”

“SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

§ 396e. Exchange of lands

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 396d(a) of this title by first acquiring Federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in section 396d(a) of this title with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

(Pub. L. 96-514, title I, §100, Dec. 12, 1980, 94 Stat. 2960.)

§ 396f. Acquisition of private lands; creation of surplus property accounts; transfer and sale of accounts

Notwithstanding any other provision of law, the Secretary of the Interior is authorized and shall seek to acquire the private lands described in section 396d(a) of this title, by crediting a surplus property account, to be established in the name of each landowner, in the amount of the acquisition price for such landowner’s lands. The National Park Service shall update the existing appraisals for the parcels and, based on the approved appraised values, shall negotiate with the landowners for acquisition prices. Each owner may, using such credits in his surplus property account, bid, as any other bidder for surplus property, wherever located, in accord-