

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.

## 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),<sup>1</sup> and August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.),<sup>1</sup> 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

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