

ance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41. The Administrator of the General Services Administration shall establish each landowner's surplus property account and shall adjust the credits in such accounts to reflect successful bids under this section. Title to the lands described in this section shall pass to the Government at the time of establishment of the surplus property accounts. The credits in any of the surplus property accounts may be transferred or sold in whole or in part at any time by the landowner to any other party, thereby vesting such party with all the rights of the landowner, and after such transfer, the landowner shall notify the Administrator of the transfer. At any time the Secretary may purchase the balance of any surplus property account subject to the availability of appropriated funds. The land owner¹ may also use the credits in exchange for excess lands, wherever located, under the jurisdiction of the Secretary of the Interior.

(Pub. L. 98-146, title III, §317, Nov. 4, 1983, 97 Stat. 954; Pub. L. 101-121, title I, Oct. 23, 1989, 103 Stat. 708.)

CODIFICATION

In text, "chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "the Federal Property and Administrative Services Act of 1949" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1989—Pub. L. 101-121 inserted sentence at end authorizing land owner to use the credits in exchange for excess land, wherever located, under the jurisdiction of the Secretary of the Interior.

USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES

Pub. L. 101-165, title IX, §9102, Nov. 21, 1989, 103 Stat. 1151, as amended by Pub. L. 101-511, title VIII, §8133(b), Nov. 5, 1990, 104 Stat. 1910; Pub. L. 103-204, §32(a), Dec. 17, 1993, 107 Stat. 2413, provided that:

"(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

"(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

"(2) ACCOUNTS DESCRIBED.—The accounts referred to in subparagraph (B) are—

"(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the 'Cook Inlet Region, Incorporated property account'; and

"(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

"(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

"(1) tendered from an account described in subsection (a)(2);

"(2) received by the agency as proceeds of such a sale; and

"(3) used by the agency for that specific purpose.

"(c) AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

"(d) AGENCY DEFINED.—In this section the term 'agency' includes—

"(1) any instrumentality of the United States, or

"(2) any element of an agency, or

"(3) any wholly owned or mixed-owned United States Government corporation identified in chapter 91 of title 31, United States Code.

"(e) PROPERTY DEFINED.—Notwithstanding the definition of 'property' found in the Federal Property and Administrative Services Act of 1949, as amended [now 40 U.S.C. 102(9)], in this section the term 'property' includes any property—real, personal (including intangible assets sold or offered by the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, such as financial instruments, notes, loans, and bonds), or mixed-owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, including but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property as used in this section means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

"(f) The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish procedures to permit the accounts described in subsection (a)(2) to receive deposits, to make deposits into escrow when an escrow is required for the sale of any property, and to reinstate to such accounts any unused escrow deposits if sales are not consummated."

SUBCHAPTER XLIII—PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK

§ 397. Establishment; boundaries

(a) Establishment

When title to such lands located on the island of Hawaii, within the following-described area, as shall be designated by the Secretary of the Interior, in the exercise of his judgment and discretion as necessary and suitable for the purpose, shall have been vested in the United States, said lands shall be set apart as the Pu'uhonua o Hōnaunau National Historical Park, in the Territory of Hawaii, for the benefit and inspiration of the people:

PARCEL 1

Being all of R. P. 3306, L. C. Aw. 7219, Apana 2 to Kaliae, all of L. C. Aw. 9470 to Muki, and portions of R. P. 7874, L. C. Aw. 11216 Apana 34 to M. Kekauonohi (Ahupuaa of Honaunau), and R. P.

¹ So in original. Probably should be "landowner".

6852, L. C. Aw. 7712 Apana 1 to M. Kekuanaoa (Ahupuaa of Keokea).

Beginning at a one and one-half-inch pipe in concrete monument called "Kalani", at the southeast corner of this parcel, the northeast corner of parcel 3, and on the common boundary of the lands of Keokea and Kiilae, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being seven thousand four hundred forty-four and eight-tenths feet south and five thousand three and two-tenths feet east, and running by azimuths measured clockwise from true south:

1. Seventy-nine degrees thirty-three minutes fifteen seconds six hundred and eighty feet along the land of Kiilae, L. C. Aw. 8521-B to G. D. Huet and passing over a rock called "Kuwaia", marked K+K at six hundred seventy-three and two-tenths feet to high-water mark; thence along high-water mark, along seacoast for the next three courses, the direct azimuths and distances between points at seacoast being:

2. One hundred and thirty-five degrees fifty-one minutes three thousand nine hundred seventy-six and one-tenth feet;

3. One hundred and fifty-two degrees twenty-five minutes one thousand and seventy-eight feet;

4. Two hundred and forty degrees fifty-five minutes one thousand two hundred four and four-tenths feet;

5. Three hundred and fifty-four degrees nine minutes two hundred twenty-four and one-tenth feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi, along stone wall and old trail;

6. Two hundred and sixty degrees fifty-four minutes one hundred seventy-five and nine-tenths feet across old trail along stone wall to a "+" on rock;

7. One hundred and fifty-eight degrees six minutes seventy-two feet along L. C. Aw. 7296 to Puhi, along stone wall;

8. Two hundred and sixty degrees thirty-six minutes ninety and seven-tenths feet along stone wall;

9. One hundred and ninety-four degrees ten minutes sixty-two and nine-tenths feet along stone wall along L. C. Aw. 7295 and 6979-B:2 to Keolewa;

10. One hundred and seventy-five degrees fifty-four minutes twenty-six and nine-tenths feet along stone wall;

11. Two hundred and fifteen degrees thirty-seven minutes forty-seven and four-tenths feet along stone wall along remainder of L. C. Aw. 11216:34 to M. Kekauonohi;

12. One hundred and seventy-two degrees twenty-eight minutes forty-eight and one-tenth feet along same;

13. Two hundred and twenty-six degrees twenty-three minutes two hundred twenty-eight and eight-tenths feet along remainder of L. C. Aw. 11216:34 to M. Kekauonohi to the south side of fifty-foot road;

14. Two hundred and sixty-four degrees fifty-one minutes one hundred fifteen and two-tenths feet along the south side of fifty-foot road;

15. Two hundred and fifty-two degrees thirteen minutes two hundred and two-tenths feet along same;

16. Two hundred and eighty-six degrees thirty minutes one hundred seventy and nine-tenths feet along same;

17. Two hundred and thirty-eight degrees twenty-five minutes ninety-two and eight-tenths feet along same;

18. Two hundred and twenty-three degrees one minute one hundred fourteen and four-tenths feet along same;

19. Three hundred and thirty-eight degrees forty-nine minutes thirty seconds four thousand nine hundred eighty and three-tenths feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi and L. C. Aw. 7712:1 to M. Kekuanaoa and passing over a one and one-fourth-inch pipe in concrete monument at one thousand four hundred eighty-one and six-tenths feet to the point of beginning.

Area, one hundred sixty-six and ninety one-hundredths acres.

PARCEL 2

Being portions of L. C. Aw. 11216 Apana 34 to M. Kekauonohi, R. P. 7874 (Ahupuaa of Honaunau).

Beginning at a pipe in concrete at the northeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being two thousand one hundred thirty-nine feet south and eleven thousand six hundred seventeen and nine-tenths feet east and running by azimuths measured clockwise from true south:

1. Three hundred fifty-eight degrees twenty-three minutes two hundred sixty and four-tenths feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi;

2. Ninety-three degrees thirty minutes two hundred and sixty-nine feet along the same, along stone wall, along lot 2 of the subdivision by B. P. Bishop estate;

3. Eighty-two degrees no minutes three hundred and eighteen feet along same to the east side of fifty-foot road;

4. Thence along the east side of fifty-foot road, the direct azimuth and distance being: one hundred seventy-one degrees twenty minutes two hundred ninety-one and five-tenths feet;

5. Two hundred and seventy degrees no minutes six hundred and twenty feet along the remainder of L. C. Aw. 11216:34 to M. Kekauonohi to the point of beginning.

Area, three and seventy one-hundredths acres.

Together with an easement six feet wide for a pipeline right-of-way extending from the Government road to parcel 1, the south side of said right-of-way being described as follows:

Beginning at the east end of this right-of-way on the common boundary of the lands of Honaunau and Keokea, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Lae-O-Kanoni" being three thousand one hundred ninety and eight-tenths feet south and eleven thousand seventy-eight and eight-tenths feet east, and running by azimuths measured clockwise from true south:

1. Eighty degrees thirty-six minutes five seconds one hundred and seventeen feet along L. C. Aw. 7712:1 to M. Kekuanaoa, to the Triangulation Station "Ahupuaa" of the B. P. Bishop estate;

2. Eighty-two degrees twenty minutes seven thousand two hundred eighty-nine and one-tenth feet along same to a one and one-fourth-inch pipe in concrete monument on the east boundary of parcel 1 the coordinates of said point of the end of this six-foot right-of-way referred to Government Triangulation Station “Lae-O-Kanoni” being four thousand one hundred eighty-two and four-tenths feet south and three thousand seven hundred thirty-nine and four-tenths feet east.

Area, one and two one-hundredths acres.

PARCEL 3

Being portion of L. C. Aw. 8521-B to G. D. Hueu, being portion of the Ahupuaa of Kiilae.

Beginning at a one and one-half-inch pipe in concrete monument called “Kalani” at the northeast corner of this parcel, the southeast corner of parcel 1, on the common boundary of the land of Keokea and Kiilae, the coordinates of said point of beginning referred to Government Survey Triangulation Station “Lae-O-Kanoni” being seven thousand four hundred forty-four and eight-tenths feet south and five thousand three and two-tenths feet east and running by azimuths measured clockwise from true south:

1. Three hundred thirty-eight degrees forty-nine minutes thirty seconds five hundred ninety-five and four-tenths feet along the remainder of L. C. Aw. 8521-B to G. D. Hueu to the eight thousand foot south coordinates line referred to Government Survey Triangulation Station “Lae-O-Kanoni”;

2. Ninety degree no minutes one thousand ninety-nine and seven-tenths feet along same and along said eight thousand foot south coordinates line and across school grant 7 Apana 6 to high-water mark;

3. Thence along high-water mark, along sea, the direct azimuth and distance being: two hundred six degrees thirty-three minutes thirty seconds four hundred eighty-two and nine-tenths feet;

4. Two hundred fifty-nine degrees thirty-three minutes fifteen seconds six hundred eighty feet along L. C. Aw. 7712:1 to M. Kekuanaoa and passing over a rock called Kuwaia, marked K+K at six and eight-tenths feet to the point of beginning.

Area, ten and twenty-five one-hundredths acres.

(b) Boundary modification

The boundaries of Pu‘uhonua o Hōnaunau National Historical Park are hereby modified to include approximately 238 acres of lands and interests therein within the area identified as “Parcel A” on the map entitled “Pu‘uhonua o Hōnaunau National Historical Park Proposed Boundary Additions, Ki‘ilae Village”, numbered PUHO-P 415/82,013 and dated May, 2001.

(c) Acquisition

The Secretary of the Interior is authorized to acquire approximately 159 acres of lands and interests therein within the area identified as “Parcel B” on the map referenced in subsection (b). Upon the acquisition of such lands or interests therein, the Secretary shall modify the

boundaries of Pu‘uhonua o Hōnaunau National Historical Park to include such lands or interests therein.

(July 26, 1955, ch. 385, §1, 69 Stat. 376; Pub. L. 95-625, title III, §305, Nov. 10, 1978, 92 Stat. 3477; Pub. L. 106-510, §3(d)(1), Nov. 13, 2000, 114 Stat. 2364; Pub. L. 107-340, §2, Dec. 16, 2002, 116 Stat. 2889.)

AMENDMENTS

2002—Pub. L. 107-340 designated existing provisions as subsec. (a), substituted “When” for “That, when”, and added subsecs. (b) and (c).

2000—Pub. L. 106-510 substituted “Pu‘uhonua o Hōnaunau National Historical Park” for “Puuhonua o Honaunau National Historical Park” in introductory provisions.

1978—Pub. L. 95-625 redesignated as “Puuhonua o Honaunau National Historical Park” the Park previously designated “City of Refuge National Historical Park”.

CHANGE OF NAME

Pub. L. 106-510, §3(d)(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 ‘Puuhonua o Honaunau National Historical Park[.]’ shall be considered a reference to ‘Pu‘uhonua o Hōnaunau National Historical Park.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-340, §1, Dec. 16, 2002, 116 Stat. 2889, provided that: “This Act [amending this section] may be cited as the ‘Pu‘uhonua o Hōnaunau National Historical Park Addition Act of 2002.’”

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the Union was accomplished 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.

§ 397a. Establishment; notice in Federal Register

Upon the vesting of title in the United States to such lands as may be designated by the Secretary of the Interior as necessary and suitable for historical park purposes in accordance with the provisions of section 397 of this title, the Pu‘uhonua o Hōnaunau National Historical Park shall be established by order of the said Secretary, which shall be published in the Federal Register. Any other lands within the area described above shall become a part of the national historical park upon the vesting of title thereto in the United States and upon publication of an appropriate supplemental order by the said Secretary in the Federal Register.

(July 26, 1955, ch. 385, §2, 69 Stat. 379; Pub. L. 95-625, title III, §305, Nov. 10, 1978, 92 Stat. 3477; Pub. L. 106-510, §3(d)(1), Nov. 13, 2000, 114 Stat. 2364.)

AMENDMENTS

2000—Pub. L. 106-510 substituted “Pu‘uhonua o Hōnaunau National Historical Park” for “Puuhonua o Honaunau National Historical Park”.

1978—Pub. L. 95-625 redesignated as “Puuhonua o Honaunau National Historical Park” the park previously designated “City of Refuge National Historical Park”.