

The Act of August 21, 1935 (49 Stat. 666), referred to in subsec. (a), 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 The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service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.

This Act, referred to in subsecs. (a) and (b)(3), is Pub. L. 96-565, Dec. 22, 1980, 94 Stat. 3321, which enacted this subchapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

MEMORIAL TO INDIVIDUALS FORCIBLY RELOCATED TO
KALAUPAPA PENINSULA

Pub. L. 111-11, title VII, §7108, Mar. 30, 2009, 123 Stat. 1196, provided that:

“(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka ‘Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

“(b) DESIGN.—

“(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

“(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

“(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

“(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

“(c) FUNDING.—Ka ‘Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.”

§ 410jj-5. Special needs of leprosy patients residing in Kalaupapa settlement; specific provisions

The following provisions are made with respect to the special needs of the leprosy patients residing in the Kalaupapa settlement—

(1) So long as the patients may direct, the Secretary shall not permit public visitation to the settlement in excess of one hundred persons in any one day.

(2) Health care for the patients shall continue to be provided by the State of Hawaii, with assistance from Federal programs other than those authorized herein.

(3) Notwithstanding any other provision of law, the Secretary shall provide patients a first right of refusal to provide revenue-producing visitor services, including such services as providing food, accommodations, transportation, tours, and guides.

(4) Patients shall continue to have the right to take and utilize fish and wildlife resources

without regard to Federal fish and game laws and regulations.

(5) Patients shall continue to have the right to take and utilize plant and other natural resources for traditional purposes in accordance with applicable State and Federal laws.

(Pub. L. 96-565, title I, §106, Dec. 22, 1980, 94 Stat. 3323.)

§ 410jj-6. Additional needs of leprosy patients and Native Hawaiians for employment and training; specific provisions

The following provisions are made with respect to additional needs of the leprosy patients and Native Hawaiians for employment and training. (The term “Native Hawaiian” as used in this subchapter, means a descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to the year 1778.)—

(1) Notwithstanding any other provision of law, the Secretary shall give first preference to qualified patients and Native Hawaiians in making appointments to positions established for the administration of the park, and the appointment of patients and Native Hawaiians shall be without regard to any provision of the Federal civil service laws giving an employment preference to any other class of applicant and without regard to any numerical limitation on personnel otherwise applicable.

(2) The Secretary shall provide training opportunities for patients and Native Hawaiians to develop skills necessary to qualify for the provision of visitor services and for appointment to positions referred to in paragraph (1).

(Pub. L. 96-565, title I, §107, Dec. 22, 1980, 94 Stat. 3323.)

§ 410jj-7. Advisory Commission

(a) Establishment; membership

There is hereby established the Kalaupapa National Historical Park Advisory Commission (hereinafter referred to as the “Commission”), which shall consist of eleven members each appointed by the Secretary for a term of five years as follows:

(1) seven members who shall be present or former patients, elected by the patient community; and

(2) four members appointed from recommendations submitted by the Governor of Hawaii, at least one of whom shall be a Native Hawaiian.

(b) Chairman; vacancies

The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(c) Compensation; expenses

A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(d) Functions

The Secretary shall consult with and seek the advice of the Commission with respect to the de-