

tory of Hawaii, by exchange or otherwise, all privately owned lands lying within the boundaries of the Hawaii National Park as defined by section 391 of this title, and all necessary perpetual easements and rights-of-way, or roadways, in fee simple, over or to said land or any part thereof, but the provisions of section 73 of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended by an Act approved May 27, 1910, relating to exchanges of public lands shall not apply in the acquisition, by exchange, of the privately owned lands herein referred to.

(Feb. 27, 1920, ch. 89, §§1, 2, 41 Stat. 452, 453.)

Editorial Notes

REFERENCES IN TEXT

Section 73 of an Act approved April 30, 1900, as amended, referred to in text, was classified to sections 663, 664, 665 to 677b, 1509 to 1512 of Title 48, Territories and Insular Possessions. Those sections were omitted from the Code as obsolete.

CODIFICATION

Section 1 of act Feb. 27, 1920, is the source of that portion of this section preceding "but the provisions of section 73"; remainder being from section 2 of that Act.

Statutory Notes and Related Subsidiaries

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.

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.

EXTENSION OF APPLICATION

Act Apr. 11, 1928, ch. 359, §2, 45 Stat. 426, extended provisions of this section and made them applicable to lands added to the park and included within boundary established by section 391 of this title.

Executive Documents

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.

§ 392a. Provisions of section 392 extended to additional lands

The provisions of section 392 of this title are extended over and made applicable to the lands added to the park and included within the boundary established by section 391a of this title.

(Feb. 12, 1927, ch. 111, §2, 44 Stat. 1089.)

Statutory Notes and Related Subsidiaries

HALEAKALĀ NATIONAL PARK

Establishment of detached portion of Hawaii National Park lying on island of Maui as Haleakalā Na-

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

§ 392b. Conveyance of added lands to United States by Governor

The Governor of the Territory of Hawaii is authorized to convey to the United States any and all lands and interests in lands acquired by the Territorial Government under the provisions of sections 391b, 391b-1, 392c, 396, 396a of this title.

(June 20, 1938, ch. 530, §4, 52 Stat. 785.)

Editorial Notes

CODIFICATION

Section is comprised of the last provision of section 4 of act June 20, 1938, the remainder of which is classified to section 391b-1 of this title.

Executive Documents

ADMISSION OF HAWAII AS STATE

Admission of Hawaii into the union was accomplished on 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.

§ 392c. Addition to Hawai'i Volcanoes National Park

(a) Acquisition of land

Notwithstanding any other provision of sections 391b, 391b-1, 392b, 396, and 396a of this title, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation or exchange the land and interests therein comprising approximately 5,650 acres and identified as tract number 118/22 on the map entitled "Recommended Land Acquisition", in the Hawai'i Volcanoes National Park Land Protection Plan as recommended May 17, 1985, which plan shall be on file and available for public inspection in the Office of the Director, National Park Service, Department of the Interior, Washington, D.C. and the Office of the Superintendent, Hawai'i Volcanoes National Park, Hawaii.

(b) Exchange of land; equalization payments

In exercising his authority to acquire the real property referred to in subsection (a) by exchange, the Secretary may accept title thereto and in exchange therefor he may convey to the grantor of such real property title to any United States Government real property under his administrative jurisdiction, other than real property within or administered as a part of the National Park System, in the State of Hawaii which he determines is suitable for such exchange. The values of the properties exchanged shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of money to the grantor or to the Secretary as the circumstances require. In no circumstance shall an equalization payment exceed one fourth (25 percent) the appraised value of the real property referred to in subsection (a). Any money paid to the Secretary shall be deposited as miscellaneous receipts in the Treasury of the United States.

(c) State owned land; acquisition only by donation or exchange

Real property owned by the State of Hawaii or any political subdivision thereof may be acquired only by donation or exchange.

(d) Transfer of administrative jurisdiction over surplus federally owned real property in Hawaii to facilitate exchange; exchange of land with State of Hawaii, consultation, limitation

(1) In order to facilitate the acquisition of the real property referred to in subsection (a) by exchange, notwithstanding any other provision of law, upon request of the Secretary, the Administrator of General Services shall transfer to the Secretary, without reimbursement, administrative jurisdiction over any excess or surplus United States Government real property in the State of Hawaii for purposes of such an exchange.

(2) For the purposes of a land exchange with the State of Hawaii, the Secretary shall consult with the State of Hawaii in the process of identifying suitable exchange lands belonging to the United States Government.

(3) For the purposes of a land exchange with the State of Hawaii, real property owned by the United States Government and selected for use in a land exchange shall not be from among those lands ceded to the United States Government.

(e) Administration of land acquired

The real property acquired by the Secretary pursuant to this section shall be administered by the Secretary as part of Hawai'i Volcanoes National Park, subject to the laws and regulations applicable to the Park.

(f) Authorization of appropriations

There is hereby authorized to be appropriated up to \$700,000 to carry out the purpose of this section.

(June 20, 1938, ch. 530, §5, as added Pub. L. 99-564, §1, Oct. 27, 1986, 100 Stat. 3179; amended Pub. L. 108-352, §3, Oct. 21, 2004, 118 Stat. 1395.)

Editorial Notes**AMENDMENTS**

2004—Pub. L. 108-352 substituted “Hawai'i Volcanoes” for “Hawaii Volcanoes” in two places in subsec. (a) and in subsec. (e).

§ 393. Entries under land laws; rights-of-way; lands excluded

Nothing herein contained shall affect any valid claim, location, or entry existing under the land laws of the United States prior to August 1, 1916, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the rights of any such claimant, locator, or entryman to the full use and enjoyment of his land. Whenever consistent with the primary purposes of the park the Act of February fifteenth, nineteen hundred and one,¹ applicable to the location of rights of way in certain national parks and the national forests for irrigation and other purposes, shall be and re-

main applicable to the lands included within the park. The Secretary of the Interior may, in his discretion and upon such conditions as he may deem wise, grant easements or rights-of-way for steam, electric, or similar transportation upon or across the park. No lands located within the park boundaries held in private or municipal ownership prior to August 1, 1916, shall be affected by or subject to the provisions of this section and sections 391 and 394 of this title.

(Aug. 1, 1916, ch. 264, §§2, 3, 39 Stat. 433, 434.)

Editorial Notes**REFERENCES IN TEXT**

Herein, referred to in text, means act Aug. 1, 1916, which is classified to sections 391, 393 and 394 of this title. For complete classification of this Act to the Code, see Tables.

The Act of February fifteenth, nineteen hundred and one, referred to in text, is act Feb. 15, 1901, ch. 372, 31 Stat. 790, which is classified to section 959 of Title 43, Public Lands. The Act, insofar as it related to National Park System units, was repealed and restated as section 100902(a) of Title 54, National Park Service and Related Programs, by Pub. L. 113-287, §§3, 7, Dec. 19, 2014, 128 Stat. 3094, 3272.

CODIFICATION

Section is a combination of sections 2 and 3 of act Aug. 1, 1916, all but the last sentence being derived from section 2.

Statutory Notes and Related Subsidiaries**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.

§ 394. Control; rules and regulations; leases; appropriations

Hawaii National Park shall be under the executive control of the Secretary of the Interior whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, birds, mineral deposits, and natural curiosities or wonders within said park, and their retention in their natural condition as nearly as possible. The Secretary may in his discretion grant leases for terms not exceeding twenty years, at such annual rental as he may determine, of parcels of land in said park of not more than twenty acres in all to any one person, corporation, or company for the erection and maintenance of buildings for the accommodation of visitors; but no such lease shall include any of the objects of curiosity or interest in said park or exclude the public from free and convenient approach thereto or convey, either expressly or by implication, any exclusive privilege within the park except upon the premises held thereunder and for the time granted therein; and every such lease shall require the lessee to observe and obey each and every provision in any Act of Congress and every rule, order, or regulation of the Secretary of the Interior concerning the use, care, management, or govern-

¹ See References in Text note below.