

**(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,<sup>1</sup> 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-

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