

Editorial Notes

REFERENCES IN TEXT

The Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 461-467), referred to in subsec. (c), 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 Sections 1 to 4 of the Act were repealed and restated as section 1865(a) of Title 18, Crimes and Criminal Procedure, and section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and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.

The Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), referred to in subsec. (c), 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 The Act was repealed and restated as section 1866(a) of Title 18, Crimes and Criminal Procedure, and sections 102303 and 102304 and chapter 3201 of Title 54, National Park Service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.

AMENDMENTS

2009—Subsec. (f)(7). Pub. L. 111-11, which directed substitution of “on December 31, 2018” for “ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996”, was executed by making the substitution for “ten years after the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996”, to reflect the probable intent of Congress.

2003—Subsec. (a). Pub. L. 108-142 designated existing provisions as par. (1), substituted “1978.” for “1978, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.”, and added pars. (2) and (3).

2000—Pub. L. 106-510, §3(c)(1)(A), amended section catchline.

Subsecs. (a), (c), (f)(1), (7). Pub. L. 106-510, §3(c)(1)(B), substituted “Kaloko-Honokohau” for “Kaloko-Honokohau” wherever appearing.

1996—Subsec. (f)(7). Pub. L. 104-333 substituted “the date of enactment of the Na Hoa Pili Kaloko-Honokohau Re-establishment Act of 1996” for “the date of enactment of this Act”.

1979—Subsec. (f)(1). Pub. L. 96-87 substituted “Na Hoa Pili O Kaloko-Honokohau” for “Kaloko-Honokohau Na Hoa Pili O Kaloko-Honokohau”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 106-510, §3(c)(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 ‘Kaloko-Honokohau National Historical Park’ shall be considered a reference to ‘Kaloko-Honokohau National Historical Park’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-142, §1, Dec. 2, 2003, 117 Stat. 1875, provided that: “This Act [amending this section] may be cited as the ‘Kaloko-Honokohau National Historical Park Addition Act of 2003’.”

EXTENSION OF KALOKO-HONOKŌHAU ADVISORY COMMISSION

Section 503(a) of title V of div. I of Pub. L. 104-333, as amended by Pub. L. 106-510, §3(c)(2), Nov. 13, 2000, 114 Stat. 2364, provided that: “Notwithstanding section 505(f)(7) of Public Law 95-625 (16 U.S.C. 396d(f)(7)), the Na Hoa Pili O Kaloko-Honokohau, the Advisory Commission for Kaloko-Honokohau National Historical Park, is hereby re-established in accordance with section 505(f), as amended by paragraph (2) of this subsection [probably should be ‘subsection (b) of this section’, amending this section].”

“SECRETARY” DEFINED

Secretary means the Secretary of the Interior, see section 2 of Pub. L. 95-625, set out as a note under section 45f of this title.

§ 396e. Exchange of lands

Notwithstanding any other provision of law, the Secretary is authorized and shall seek to acquire the lands described in section 396d(a) of this title by first acquiring Federal surplus lands of equivalent value from the General Services Administration and then exchanging such surplus lands for the lands described in section 396d(a) of this title with the land owners. Exchanges shall be on the basis of equal value, and any party to the exchange may pay or accept cash in order to equalize the value of the property exchanged.

(Pub. L. 96-514, title I, §100, Dec. 12, 1980, 94 Stat. 2960.)

§ 396f. Acquisition of private lands; creation of surplus property accounts; transfer and sale of accounts

Notwithstanding any other provision of law, the Secretary of the Interior is authorized and shall seek to acquire the private lands described in section 396d(a) of this title, by crediting a surplus property account, to be established in the name of each landowner, in the amount of the acquisition price for such landowner’s lands. The National Park Service shall update the existing appraisals for the parcels and, based on the approved appraised values, shall negotiate with the landowners for acquisition prices. Each owner may, using such credits in his surplus property account, bid, as any other bidder for surplus property, wherever located, in accordance 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

¹ So in original. Probably should be “landowner”.

“(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. 6852, L. C. Aw. 7712 Apana 1 to M. Kekuaaoa (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