Public Law 94-518
94th Congress

An Act

To authorize the study of certain areas by the Secretaries of Agriculture and the Interior.

Oct. 17, 1976
[S. 400]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Studies by Secretaries of Agriculture and Interior. Authorization.

TITLE I—FREDERICK LAW OLMSTED HOME AND OFFICE, BROOKLINE, MASSACHUSETTS

Study, transmittal to congressional committees.

SEC. 101. The Secretary of the Interior shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives within two years from the date of enactment of this Act a feasibility/suitability study of the Frederick Law Olmsted Home and Office as a unit of the National Park System. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as any alternatives for the administration and protection of the area.

TITLE II—SAINT PAUL'S CHURCH, EASTCHESTER, NEW YORK

Study, transmittal to congressional committees.

SEC. 201. The Secretary of the Interior shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives within two years from the date of enactment of this Act a feasibility/suitability study of Saint Paul's Church as a unit of the National Park System. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as any alternatives for the administration and protection of the area.

TITLE III—NATIONAL MUSEUM OF AFRO-AMERICAN HISTORY AND CULTURE AT OR NEAR WILBERFORCE, OHIO

Study, transmittal to congressional committees.

SEC. 301. The Secretary of the Interior shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives within two years from the date of enactment of this Act a feasibility/suitability study for a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as any alternatives for the administration of such museum.

TITLE IV—KALAUPAPA SETTLEMENT ON THE ISLAND OF MOLOKAI, HAWAII

SEC. 401. (a) The Congress finds:

(1) Since 1866 a colony for the care and treatment of the victims of leprosy, known as the Kalaupapa settlement, has existed on the island of Molokai in the State of Hawaii. On this site Father Joseph Damien de Veuster (1840–1889) worked for sixteen years among those victims

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until at last succumbing to their disease. This inspiring work made him a figure of such national acclaim that a statue of him rests in the Nation's Capitol. This work led to proceedings for his beatification by the Catholic Church and to worldwide veneration of this devotion and mission. This respect and admiration served to focus unprecedented attention on the disease of leprosy and stimulated charity and scientific research toward its cure.

(2) The Kalaupapa settlement constitutes a unique and nationally significant cultural, historical, educational, and scenic resource.

(b) The purposes of this title are—

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations, and

(2) to provide that the preservation and interpretation of that settlement be managed and performed by native Hawaiians, including patients and former patients of the Kalaupapa settlement, to the extent practical, and that training opportunities be provided such persons in management and interpretation of the settlement's cultural, historical, educational, and scenic resources.

Study.

SEC. 402. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall study the feasibility and desirability of establishing as a part of the National Park System an area (hereinafter referred to as the "proposed park area") comprising all, or a portion of, the lands, waters, and interest in Kalawao County on the island of Molokai.

(b) As a part of such study, the Secretary shall consult with other interested Federal agencies, with other interested State and local bodies and officials, with patients and former patients presently in residence at the Kalaupapa settlement and with the Commission established by section 404, and he shall coordinate the study with other applicable planning activities.

Report, submittal to President and Congress.

SEC. 403. (a) The Secretary shall submit to the President and the Congress within two years after the date of the enactment of this title a report of his study. The report of the Secretary shall contain, but not be limited to, findings with respect to the historic, cultural, educational, scenic, and natural values of the resources involved and recommendations for preservation and interpretation of those resources.

Master plan.

(b) The report of the Secretary referred to in subsection (a) shall include a detailed proposed master plan for the development of the proposed park area. Such plan shall include: (1) a schedule of acquisition of the proposed park area, (2) an assessment of planned restorations of historic sites, (3) an estimate of park development and long-term operation costs, (4) a plan for the development of programs (including training programs) for native Hawaiians, including patients and former patients of the Kalaupapa settlement, to manage and perform the preservation and interpretation of the park, (5) provision for the preservation of existing, exclusive hunting and fishing (konohiki) rights of the residents of Kalawao County, and (6) provision to prevent the dislocation or displacement of any patient or former patient presently in residence at the Kalaupapa settlement and to maintain transportation and hospital facilities and other public services as may be necessary for any remaining patients or settlement staff.

Kalaupapa National Historical Park Advisory Commission. Establishment. Membership.

SEC. 404. (a) There is hereby established a Kalaupapa National Historical Park Advisory Commission.

(b) The Commission shall be composed of fifteen members, at least six of whom shall be native Hawaiians, appointed by the Secretary, as follows:

(1) two members, one of whom will be appointed from recommendations made by each of the United States Senators representing the State of Hawaii, respectively;

(2) two members, one of whom will be appointed from recommendations made by each of the United States Representatives for the State of Hawaii, respectively;

(3) five public members, who shall have knowledge and experience in one or more fields as they pertain to Hawaii of history, ethnology, education, medicine, religion, culture, and folklore and including representatives of the Bishop Museum, the University of Hawaii, and organizations active in the State of Hawaii in the conservation of resources, to be appointed from recommendations made by the Governor of the State of Hawaii;

(4) two members to be appointed from recommendations made by local organizations representing the native Hawaiian people;

(5) at least two members representing the patient's organization; and

(6) two members to be appointed from recommendations made by the mayor of the county of Maui.

(c) The term "native Hawaiian", as used in this title 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. "Native Hawaiian."

(d) 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. Chairman.

(e) 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 title on vouchers signed by the Chairman. Expenses.

(f) The Commission shall cease to exist at the time of submission of the Secretary's report referred to in section 403(a) to the President and the Congress. Termination.

SEC. 405. During the period commencing with the date of the enactment of this title and ending with submission of the Secretary's report to the President and the Congress and any necessary completion of congressional consideration of recommendations included in that report (1) no department or agency of the United States shall, without prior approval of the Secretary, assist by loan, grant, license, or otherwise in the implementation of any project which, in the determination of the Secretary, would unreasonably diminish the value of cultural, historical, educational, scenic, or natural resources relating to the proposed park area and (2) the Chief of Engineers, Department of the Army, shall not, without prior approval of the Secretary, undertake or assist by license or otherwise the implementation of any project which, in the determination of the Secretary, would diminish the value of natural resources located within one-quarter mile of the proposed park.

TITLE V—SHAWNEE HILLS, ILLINOIS

SEC. 501. The Congress finds that the Shawnee Hills in the State of Illinois contain unique recreational resources; that the Shawnee Hills possess historical, cultural, educational, recreational and natural qualities which offer outstanding opportunities for public enjoyment; and that such opportunities should be utilized and developed to their optimum potential for the full enjoyment of present and future generations.

Study.

SEC. 502. The Secretary of Agriculture is authorized and directed to study the Shawnee Hills in Saline, Pope, Gallatin, and Hardin Counties, Illinois, as depicted on the map entitled, "Shawnee Hills Study Area," dated June 1976, which shall be on file and available for inspection in the Office of the Chief, Forest Service, United States Department of Agriculture. Within three years from the date of enactment of this title, the Secretary shall submit a report to the Congress, including his recommendation as to the desirability and feasibility of establishing a national recreation area within the Shawnee Hills Study Area. Such report shall include the estimated costs of such establishment and proposed legislation to implement any recommendation for the establishment of such area.

Report, submittal to Congress.

TITLE VI—GEORGE W. NORRIS HOME, McCOOK, NEBRASKA

Study, submittal to congressional committees.

SEC. 601. The Secretary of the Interior shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives within two years from the date of enactment of this Act a feasibility/suitability study of the George W. Norris home as a unit of the National Park System. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as any alternatives for the administration and protection of the area.

TITLE VII—MOUNT MITCHELL, NORTH CAROLINA

Study, submittal to congressional committees.

SEC. 701. The Secretary of the Interior, in consultation with the Governor of the State of North Carolina and the Secretary of Agriculture, shall prepare and transmit to the Committees on Interior and Insular Affairs of the Senate and the House of Representatives within three years from the date of enactment of this Act a feasibility/suitability study of the Black Mountain Range of North Carolina, including the Mount Mitchell State Park, and the nearby federally owned lands adjacent to the Blue Ridge Parkway, including the Craggy Mountains, as a proposed Mount Mitchell National Park. The study shall include cost estimates for any necessary acquisition, development, operation, and maintenance, as well as any alternatives for the administration and protection of the area.

Approved October 17, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1610 accompanying H.R. 15558 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 94-1152 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Aug. 25, considered and passed Senate.

Sept. 22, considered and passed House, amended, in lieu of H.R. 15558.

Oct. 1, Senate concurred in House amendments with amendments; House concurred in Senate amendments.