

(17) “Native Hawaiian” means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(18) “Native Hawaiian organization” means any organization which—

(A) serves and represents the interests of Native Hawaiians;

(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

(Pub. L. 89-665, title III, §301, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3001; amended Pub. L. 102-575, title XL, §4019(a), Oct. 30, 1992, 106 Stat. 4763; Pub. L. 106-208, §5(a)(10), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000—Par. (12)(C)(iii). Pub. L. 106-208 substituted semicolon for comma after “Officer”.

1992—Par. (1). Pub. L. 102-575, §4019(a)(1), struck out “, except that in the case of any Federal program exempted under section 470v of this title, the agency administering such program shall not be treated as an agency with respect to such program” after “title 5”.

Par. (2). Pub. L. 102-575, §4019(a)(2), substituted “the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau” for “the Trust Territories of the Pacific Islands”.

Par. (4). Pub. L. 102-575, §4019(a)(3), amended par. (4) generally. Prior to amendment, par. (4) read as follows: “‘Indian tribe’ means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act.”

Par. (5). Pub. L. 102-575, §4019(a)(4), substituted “Register, including artifacts, records, and material remains related to such a property or resource.” for “Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.”

Par. (7). Pub. L. 102-575, §4019(a)(5), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “‘Undertaking’ means any action as described in section 470f of this title.”

Par. (8). Pub. L. 102-575, §4019(a)(6), substituted “maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities,” for “maintenance and reconstruction.”

Par. (9). Pub. L. 102-575, §4019(a)(7), substituted “definable area” for “definable urban area”.

Par. (10). Pub. L. 102-575, §4019(a)(8), substituted “an area” for “an urban area of one or more neighborhoods and”.

Par. (11). Pub. L. 102-575, §4019(a)(9), inserted “acting through the Director of the National Park Service” after “of the Interior”.

Par. (12)(B). Pub. L. 102-575, §4019(a)(10), substituted “architecture, folklore, cultural anthropology, cura-

tion, conservation, and landscape architecture” for “and architecture”.

Par. (13)(A). Pub. L. 102-575, §4019(a)(11), substituted “prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture” for “archaeology”.

Pars. (14) to (18). Pub. L. 102-575, §4019(a)(12), added pars. (14) to (18).

HISTORIC PRESERVATION FUND MATCHING GRANT ASSISTANCE

Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1382, provided in part: “That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance, in fiscal year 1993 and thereafter, as authorized under 16 U.S.C. 470w(2)”.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands and the Trusteeship Agreement, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 470w-1. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this subchapter, except to the extent appropriations legislation expressly provides otherwise.

(Pub. L. 89-665, title III, §302, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-2. Donations and bequests of money, personal property and less than fee interests in historic property

(a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this subchapter and shall hold, use, expend, and administer the same for such purposes.

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this subchapter shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

(Pub. L. 89-665, title III, §303, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-3. Access to information

(a) Authority to withhold from disclosure

The head of a Federal agency or other public official receiving grant assistance pursuant to this subchapter, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may—

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resources; or
- (3) impede the use of a traditional religious site by practitioners.