

other similar collegial body which is established by State or local legislation as provided in section 470a(c)(1)(B) of this title, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent such professionals are available in the community concerned, and

(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

(14) “Tribal lands” means—

(A) all lands within the exterior boundaries of any Indian reservation; and

(B) all dependent Indian communities.

(15) “Certified local government” means a local government whose local historic preservation program has been certified pursuant to section 470a(c) of this title.

(16) “Council” means the Advisory Council on Historic Preservation established by section 470i of this title.

(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, curation, 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.

(b) Access determination

When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this subchapter.

(c) Consultation with Council

When the information in question has been developed in the course of an agency's compliance with section 470f or 470h-2(f) of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

(Pub. L. 89-665, title III, §304, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002; amended Pub. L. 102-575, title XL, §4020, Oct. 30, 1992, 106 Stat. 4765.)

AMENDMENTS

1992—Pub. L. 102-575 amended section generally. Prior to amendment, section read as follows: "The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located."

§ 470w-4. Attorneys' fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce the provisions of this subchapter, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

(Pub. L. 89-665, title III, §305, as added Pub. L. 96-515, title V, §501, Dec. 12, 1980, 94 Stat. 3002.)

§ 470w-5. National Museum for the Building Arts

(a) Cooperative agreement between Secretary, Administrator of General Services Administration and Committee for National Museum of the Building Arts; purposes

In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

- (1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;
- (2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;
- (3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;
- (4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and
- (5) encourage contributions to the building arts.

(b) Provisions of cooperative agreement

The cooperative agreement referred to in subsection (a) of this section shall include provisions which—

- (1) make the site available to the Committee referred to in subsection (a) of this section without charge;
- (2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and
- (3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this subchapter.

(c) Matching grants-in-aid to Committee; limitation on amounts

The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except