

modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to the Secretary of Agriculture, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

**(d) Consideration of requests**

In considering a request, the Secretary shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area that would be affected by the change. The Secretary shall approve the request whenever the Secretary finds, in the discretion of the Secretary, that the public interest that the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest that continuation of the rule unchanged would serve in furthering such underlying purposes. The Secretary shall not approve any request to waive or modify a rule if that waiver or modification would—

- (1) directly violate a statutory requirement;
- or
- (2) be likely to present a significant risk to the public health, including environmental health or safety.

**(e) Notice of disapproval**

If a request is disapproved, the Secretary shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d) of this section.

**(f) Period for determination**

The Secretary shall discharge the responsibilities of the Secretary under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

**(g) Applicable procedures**

A waiver or modification of a rule under subsection (a) of this section shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5. To facilitate reaching a decision on any requested waiver or modification, the Secretary may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The Secretary shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

**(h) Effect of subsequent amendment of rules**

In the event that the Secretary proposes to amend a rule for which a waiver or modification under this section is in effect, the Secretary shall not change the waiver or modification to impose additional requirements unless the Sec-

retary determines, consistent with standards contained in subsection (d) of this section, that such action is necessary.

**(i) Expiration of waivers and modifications**

No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

**(j) Definitions**

For purposes of this section:

**(1) Rule**

The term “rule” means—

(A) any rule as defined in section 551(4) of title 5; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of title 5.

**(2) Secretary**

The term “Secretary” means the Secretary of Housing and Urban Development or, with respect to any rule issued under title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.], the Secretary of Agriculture.

(Pub. L. 100-242, title VII, §704, Feb. 5, 1988, 101 Stat. 1962.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsecs. (a) and (j)(2), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Housing Act of 1949 is classified generally to subchapter III (§1471 et seq.) of chapter 8A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of this title and Tables.

**§ 11505. Coordination with CDBG and UDAG programs**

It is the policy of the Congress that amounts provided under the community development block grant and urban development action grant programs under title I of the Housing and Community Development Act of 1974 [42 U.S.C. 5301 et seq.] shall not be reduced in any fiscal year in which the provisions of this chapter are in effect.

(Pub. L. 100-242, title VII, §706, Feb. 5, 1988, 101 Stat. 1964.)

REFERENCES IN TEXT

The Housing and Community Development Act of 1974, referred to in text, is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. Title I of the Housing and Community Development Act of 1974 is classified principally to chapter 69 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

**CHAPTER 121—INTERNATIONAL CHILD ABDUCTION REMEDIES**

Sec. 11601 to 11611. Transferred or Repealed.

**§§ 11601 to 11610. Transferred**

CODIFICATION

Section 11601, Pub. L. 100-300, §2, Apr. 29, 1988, 102 Stat. 437, which provided findings and declarations re-

lated to the International Child Abduction Remedies Act, was transferred to section 9001 of Title 22, Foreign Relations and Intercourse.

Section 11602, Pub. L. 100-300, §3, Apr. 29, 1988, 102 Stat. 437, which provided definitions, was transferred to section 9002 of Title 22.

Section 11603, Pub. L. 100-300, §4, Apr. 29, 1988, 102 Stat. 438, which related to judicial remedies, was transferred to section 9003 of Title 22.

Section 11604, Pub. L. 100-300, §5, Apr. 29, 1988, 102 Stat. 439, which related to provisional remedies, was transferred to section 9004 of Title 22.

Section 11605, Pub. L. 100-300, §6, Apr. 29, 1988, 102 Stat. 439, which related to admissibility of documents, was transferred to section 9005 of Title 22.

Section 11606, Pub. L. 100-300, §7, Apr. 29, 1988, 102 Stat. 439; Pub. L. 105-277, div. G, title XXII, §2213, Oct. 21, 1998, 112 Stat. 2681-812; Pub. L. 108-370, §2, Oct. 25, 2004, 118 Stat. 1750, which related to the United States Central Authority, was transferred to section 9006 of Title 22.

Section 11607, Pub. L. 100-300, §8, Apr. 29, 1988, 102 Stat. 440, which related to costs and fees, was transferred to section 9007 of Title 22.

Section 11608, Pub. L. 100-300, §9, Apr. 29, 1988, 102 Stat. 440, which related to collection, maintenance, and dissemination of information, was transferred to section 9008 of Title 22.

Section 11608a, Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §201], Nov. 29, 1999, 113 Stat. 1536, 1501A-419, which related to the Office of Children's Issues, was transferred to section 9009 of Title 22.

Section 11609, Pub. L. 100-300, §10, Apr. 29, 1988, 102 Stat. 441, which related to an interagency coordinating group, was transferred to section 9010 of Title 22.

Section 11610, Pub. L. 100-300, §12, Apr. 29, 1988, 102 Stat. 442, which related to authorization of appropriations, was transferred to section 9011 of Title 22.

**§ 11611. Repealed. Pub. L. 113-150, title I, § 101(e), Aug. 8, 2014, 128 Stat. 1815**

Section, Pub. L. 105-277, div. G, title XXVIII, §2803, Oct. 21, 1998, 112 Stat. 2681-846; Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title II, §202], Nov. 29, 1999, 113 Stat. 1536, 1501A-420; Pub. L. 107-228, div. A, title II, §212, Sept. 30, 2002, 116 Stat. 1365, related to report on compliance with the Hague Convention on International Child Abduction.

**CHAPTER 122—NATIVE HAWAIIAN HEALTH CARE**

Sec.	
11701.	Findings.
11702.	Declaration of policy.
11703.	Comprehensive health care master plan for Native Hawaiians.
11704.	Functions of Papa Ola Lokahi.
11705.	Native Hawaiian health care systems.
11706.	Administrative grant for Papa Ola Lokahi.
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11709.	Native Hawaiian health scholarships.
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11711.	Definitions.
11712.	Rule of construction.
11713.	Compliance with Budget Act.
11714.	Severability.

**CODIFICATION**

As originally enacted, this chapter was comprised of Pub. L. 100-579 (§§1-12) and subtitle D (§§2301-2312) of title II of Pub. L. 100-690, which enacted substantially identical sections and which were both known as the Native Hawaiian Health Care Act of 1988. Pub. L. 102-396, title IX, §9168, Oct. 6, 1992, 106 Stat. 1948, subsequently amended the Act generally. As so amended, the Act was renamed the Native Hawaiian Health Care Improvement Act and consists of sections 1 to 16 which

enacted this chapter, repealed section 1621d of Title 25, Indians, and enacted provisions set out as a Short Title note under section 11701 of this title. For purposes of codification, sections 1 to 16 are considered to be sections of Pub. L. 100-579 only.

**§ 11701. Findings**

The Congress finds that:

(1) Native Hawaiians comprise a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago whose society was organized as a Nation prior to the arrival of the first nonindigenous people in 1778.

(2) The Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

(3) The constitution and statutes of the State of Hawaii:

(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.

(4) At the time of the arrival of the first non-indigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion.

(5) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.

(6) Throughout the 19th century and until 1893, the United States: (A) recognized the independence of the Hawaiian Nation; (B) extended full and complete diplomatic recognition to the Hawaiian Government; and (C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.

(7) In the year 1893, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, John L. Stevens, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful Government of Hawaii.

(8) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the two nations and of international law.

(9) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal actions,