§ 200509. Recordkeeping

(a) IN GENERAL.—A recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including—

(1) records that disclose—

(A) the amount and disposition of project undertakings in connection with which assistance under this chapter is given or used; and

(B) the amount and nature of the portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General shall have access for the purpose of audit and examination to any records of the recipient that are pertinent to assistance received under this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3186.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
200509	16 U.S.C. 2511.	Pub. L. 95–625, title X, § 1012, Nov. 10, 1978, 92 Stat. 3543.

In subsection (a)(1), the word ''fully'' is omitted as unnecessary.

In subsection (b), the words ''or their duly authorized representatives'' are omitted as unnecessary. See section 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App., 43 U.S.C. 1451 note) for the Secretary and 31 U.S.C. 711(2) for the Comptroller General.

§ 200510. Inapplicability of matching provisions

Amounts authorized for Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands are not subject to the matching provisions of this chapter, and may be subject only to such conditions, reports, plans, and agreements, if any, as the Secretary may determine.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3186.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
200510	16 U.S.C. 2512(a) (last paragraph).	Pub. L. 95–625, title X, § 1013(a) (last paragraph), Nov. 10, 1978, 92 Stat. 3544; Pub. L. 98–454, title VI, § 601(a), Oct. 5, 1984, 98 Stat. 1736; Pub. L. 103–322, title III, § 31505(a), Sept. 13, 1994, 108 Stat. 1889.

The text of 16 U.S.C. 2512(a) (last paragraph 1st sentence) is omitted as obsolete.

§ 200511. Funding limitations

(a) LIMITATION OF FUNDS.—The amount of grants made under this chapter for projects in any one State for any fiscal year shall not be more than 15 percent of the amount made available for grants to all of the States for that fiscal year.

(b) RECOVERY ACTION PROGRAM GRANTS.—Not more than 3 percent of the amount made available for grants under this chapter for a fiscal year shall be used for recovery action program grants.

(c) INNOVATION GRANTS.—Not more than 10 percent of the amount made available for grants under this chapter for a fiscal year shall be used for innovation grants.

(d) PROGRAM SUPPORT.—Not more than 25 percent of the amount made available under this chapter to any local government shall be used for program support.

(e) NO LAND ACQUISITION.—No funds made available under this chapter shall be used for the acquisition of land or an interest in land.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3187.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
200511(a)	16 U.S.C. 2512(a) (1st paragraph 1st, 3d, last sentences).	Pub. L. 95–625, title X, § 1013(a) (1st paragraph), Nov. 10, 1978, 92 Stat. 3544; Pub. L. 98–454, title VI, § 601(a), Oct. 5, 1984, 98 Stat. 1736; Pub. L. 103–322, title III, § 31505(a), Sept. 13, 1994, 108 Stat. 1889.
200511(b), (c).	16 U.S.C. 2512(a) (1st paragraph 2d sentence).	
200511(d)	16 U.S.C. 2512(b).	Pub. L. 95–625, title X, § 1013(b), as added Pub. L. 103–322, title III, § 31505(a), Sept. 13, 1994, 108 Stat. 1890.
200511(e)	16 U.S.C. 2513.	Pub. L. 95–625, title X, § 1014, Nov. 10, 1978, 92 Stat. 3544.

In subsection (a), the text of 16 U.S.C. 2512(a) (1st paragraph 1st and last sentences) is omitted as obsolete. The words ''in the aggregate'' are omitted as unnecessary. The words ''amount made available for grants to all of the States'' are substituted for ''aggregate amount of funds authorized to be appropriated'' for clarity and for consistency in the section.

In subsections (b) and (c), the words ''made available for grants'' are substituted for ''authorized'' for clarity and for consistency in the section.

In subsection (b), the words ''local park and recreation'' are omitted as unnecessary because of the defined term.

Subtitle III—National Preservation Programs

DIVISION A—HISTORIC PRESERVATION

SUBDIVISION 1—GENERAL PROVISIONS

CHAPTER 3001—POLICY

Sec.
300101. Policy.

§ 300101. Policy

It is the policy of the Federal Government, in cooperation with other nations and in partnership with States, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to—

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;

(3) administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations, and the National Trust to expand and accelerate their historic preservation programs and activities.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3187.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300101	16 U.S.C. 470–1.	Pub. L. 89–665, § 2, as added Pub. L. 96–515, title I, § 101(a), Dec. 12, 1980, 94 Stat. 2988; Pub. L. 102–575, title XL, § 4002, Oct. 30, 1992, 106 Stat. 4753.

The words ''Native Hawaiian organizations'' are added for consistency in the section.

In paragraph (2), the words ''in partnership with States, Indian tribes, Native Hawaiians, and local governments'' are omitted as unnecessary because the words are used in the introductory material of this section.

EX. ORD. NO. 11593. PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

Ex. Ord. No. 11593, May 13, 1971, 36 F.R. 8921, provided:

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, [former] 16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.], the Historic Sites Act of 1935 (49 Stat. 666, [former] 16 U.S.C. 461 et seq.) [see 18 U.S.C. 1866(a), 54 U.S.C. 102303, 102304, 320101 et seq.], and the Antiquities Act of 1906 (34 Stat. 225, 16 [former] U.S.C. 431 et seq.) [see 18 U.S.C. 1866(b), 54 U.S.C. 320301(a) to (c), 320302, 320303], it is ordered as follows:

SECTION 1. *Policy*. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as ''Federal agencies'') shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation ([former] 16 U.S.C. 470i [see 54 U.S.C. 304101]), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies*. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior*. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

RICHARD NIXON.

CHAPTER 3003—DEFINITIONS

Sec.
300301. Agency.
300302. Certified local government.
300303. Council.
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§ 300301. Agency

In this division, the term ''agency'' has the meaning given the term in section 551 of title 5.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300301	16 U.S.C. 470w(1).	Pub. L. 89–665, title III, § 301(1), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(1), Oct. 30, 1992, 106 Stat. 4763; Pub. L. 106–208, § 5(a)(10), May 26, 2000, 114 Stat. 319.

§ 300302. Certified local government

In this division, the term ''certified local government'' means a local government whose local historic preservation program is certified pursuant to chapter 3025 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300302	16 U.S.C. 470w(15).	Pub. L. 89–665, title III, § 301(15), as added Pub. L. 102–575, title XL, § 4019(a)(12), Oct. 30, 1992, 106 Stat. 4764.

§ 300303. Council

In this division, the term ''Council'' means the Advisory Council on Historic Preservation established by section 304101 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300303	16 U.S.C. 470w(16).	Pub. L. 89–665, title III, § 301(16), as added Pub. L. 102–575, title XL, § 4019(a), Oct. 30, 1992, 106 Stat. 4764.

§ 300304. Cultural park

In this division, the term ''cultural park'' means a definable area that—

(A) is distinguished by historic property, prehistoric property, and land related to that property; and

(B) constitutes an interpretive, educational, and recreational resource for the public at large.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300304	16 U.S.C. 470w(9).	Pub. L. 89–665, title III, § 301(9), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(7), Oct. 30, 1992, 106 Stat. 4764.

§ 300305. Historic conservation district

In this division, the term ''historic conservation district'' means an area that contains—

(1) historic property;

(2) buildings having similar or related architectural characteristics;

(3) cultural cohesiveness; or

(4) any combination of features described in paragraphs (1) to (3).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300305	16 U.S.C. 470w(10).	Pub. L. 89–665, title III, § 301(10), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(8), Oct. 30, 1992, 106 Stat. 4764.

§ 300306. Historic Preservation Fund

In this division, the term ''Historic Preservation Fund'' means the Historic Preservation Fund established under section 303101 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300306	no source.	

§ 300307. Historic preservation review commission

In this division, the term ''historic preservation review commission'' means a board, council, commission, or other similar collegial body—

(1) that is established by State or local legislation as provided in section 302503(a)(2) of this title; and

(2) the members of which are appointed by the chief elected official of a jurisdiction (unless State or local law provides for appointment by another official) from among—

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

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

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300307	16 U.S.C. 470w(13).	Pub. L. 89–665, title III, § 301(13), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002; Pub. L. 102–575, title XL, § 4019(a)(11), Oct. 30, 1992, 106 Stat. 4764.

§ 300308. Historic property

In this division, the term ''historic property'' means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure, or object.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300308	16 U.S.C. 470w(5).	Pub. L. 89–665, title III, § 301(5), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(4), Oct. 30, 1992, 106 Stat. 4764.

The words ''historic resource'' are omitted so that a uniform term is used throughout this division.

§ 300309. Indian tribe

In this division, the term ''Indian tribe'' means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation (as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300309	16 U.S.C. 470w(4).	Pub. L. 89–665, title III, § 301(4), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(3), Oct. 30, 1992, 106 Stat. 4763.

§ 300310. Local government

In this division, the term ''local government'' means a city, county, township, municipality, or borough, or any other general purpose political subdivision of any State.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300310	16 U.S.C. 470w(3).	Pub. L. 89–665, title III, § 301(3), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001.

The word ''parish'' is omitted as unnecessary because of 1 U.S.C. 2.

§ 300311. National Register

In this division, the term ''National Register'' means the National Register of Historic Places maintained under chapter 3021 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300311	16 U.S.C. 470w(6).	Pub. L. 89–665, title III, § 301(6), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001.

§ 300312. National Trust

In this division, the term ''National Trust'' means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300312	no source.	

§ 300313. Native Hawaiian

In this division, the term ''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 Hawaii.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300313	16 U.S.C. 470w(17).	Pub. L. 89–665, title III, § 301(17), as added Pub. L. 102–575, title XL, § 4019(a)(12), Oct. 30, 1992, 106 Stat. 4764.

§ 300314. Native Hawaiian organization

(a) IN GENERAL.—In this division, the term ''Native Hawaiian organization'' means any organization that—

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

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

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

(b) INCLUSIONS.—In this division, the term ''Native Hawaiian organization'' includes the Office of Hawaiian Affairs 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. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300314	16 U.S.C. 470w(18).	Pub. L. 89–665, title III, § 301(18), as added Pub. L. 102–575, title XL, § 4019(a), Oct. 30, 1992, 106 Stat. 4764.

§ 300315. Preservation or historic preservation

In this division, the term ''preservation'' or ''historic preservation'' includes—

(1) identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, and conservation;

(2) education and training regarding the foregoing activities; or

(3) any combination of the foregoing activities.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300315	16 U.S.C. 470w(8).	Pub. L. 89–665, title III, § 301(8), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(6), Oct. 30, 1992, 106 Stat. 4764.

§ 300316. Secretary

In this division, the term ''Secretary'' means the Secretary acting through the Director.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300316	16 U.S.C. 470w(11).	Pub. L. 89–665, title III, § 301(11), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(9), Oct. 30, 1992, 106 Stat. 4764.

§ 300317. State

In this division, the term ''State'' means—

(1) a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands; and

(2) the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300317	16 U.S.C. 470w(2).	Pub. L. 89–665, title III, § 301(2), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(2), Oct. 30, 1992, 106 Stat. 4763.

§ 300318. State historic preservation review board

In this division, the term ''State historic preservation review board'' means a board, council, commission, or other similar collegial body established as provided in section 302301(2) of this title—

(1) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law);

(2) a majority of the members of which are professionals qualified in history, prehistoric and historic archeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, landscape architecture, and related disciplines; and

(3) that has the authority to—

(A) review National Register nominations and appeals from nominations;

(B) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(C) provide general advice and guidance to the State Historic Preservation Officer; and

(D) perform such other duties as may be appropriate.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300318	16 U.S.C. 470w(12).	Pub. L. 89–665, title III, § 301(12), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a), Oct. 30, 1992, 106 Stat. 4764; Pub. L. 106–208, § 5(a)(10), May 26, 2000, 114 Stat. 319.

§ 300319. Tribal land

In this division, the term ''tribal land'' means—

(1) all land within the exterior boundaries of any Indian reservation; and

(2) all dependent Indian communities.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300319	16 U.S.C. 470w(14).	Pub. L. 89–665, title III, § 301(14), as added Pub. L. 102–575, title XL, § 4019(a)(12), Oct. 30, 1992, 106 Stat. 4764.

§ 300320. Undertaking

In this division, the term ''undertaking'' means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including—

(1) those carried out by or on behalf of the Federal agency;

(2) those carried out with Federal financial assistance;

(3) those requiring a Federal permit, license, or approval; and

(4) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300320	16 U.S.C. 470w(7).	Pub. L. 89–665, title III, § 301(7), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3001; Pub. L. 102–575, title XL, § 4019(a)(5), Oct. 30, 1992, 106 Stat. 4764.

§ 300321. World Heritage Convention

In this division, the term ''World Heritage Convention'' means the Convention concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (27 UST 37).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
300321	no source.	

The words ''the Trust Territory of the Pacific Islands . . . and, upon termination of the Trusteeship Agreement for the Trust Territories of the Pacific Islands'' are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

SUBDIVISION 2—HISTORIC PRESERVATION PROGRAM

CHAPTER 3021—NATIONAL REGISTER OF HISTORIC PLACES

Sec.
302101. Maintenance by Secretary.
302102. Inclusion of properties on National Register.
302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List.
302104. Nominations for inclusion on National Register.
302105. Owner participation in nomination process.
302106. Retention of name.
302107. Regulations.
302108. Review of threats to historic property.

§ 302101. Maintenance by Secretary

The Secretary may expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302101	16 U.S.C. 470a(a)(1)(A) (1st sentence).	Pub. L. 89–665, title I, § 101(a)(1)(A) (1st sentence), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2988.

RECOVERY OF FEES FOR REVIEW SERVICES FOR HISTORIC PRESERVATION TAX CERTIFICATION

Pub. L. 106–113, div. B, § 1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A–142, provided in part: ''That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services''.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

Pub. L. 104–333, div. I, title V, § 507, Nov. 12, 1996, 110 Stat. 4156, as amended by Pub. L. 108–7, div. F, title I, § 150, Feb. 20, 2003, 117 Stat. 245, provided that:

''(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act [see 54 U.S.C. 300101 et seq.], the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

''(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

''(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

''(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

''(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—

''(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

''(2) WAIVER.—The Secretary may waive paragraphs (1) and (3) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

''(3) EXCEPTION.—The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided.

''(d) FUNDING PROVISION.—

''(1) IN GENERAL.—Under section 108 of the National Historic Preservation Act [see 54 U.S.C. 303101 to 303103], $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama, $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo College, Mississippi.

''(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008.

''(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

''(f) DEFINITIONS.—For the purposes of this section:

''(1) HISTORICALLY BLACK COLLEGES.—The term 'historically black colleges and universities' has the same meaning given the term 'part B institution' by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

''(2) HISTORIC BUILDING AND STRUCTURES.—The term 'historic building and structures' means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.''

RECOMMENDATIONS OF HISTORIC PROPERTIES FOR PRESERVATION

Pub. L. 102–575, title XL, § 4021, Oct. 30, 1992, 106 Stat. 4765, provided that: ''The Secretary of the Interior, in consultation with the Advisory Council, shall seek to ensure that historic properties preserved under the National Historic Preservation Act [see 54 U.S.C. 300101 et seq.] fully reflect the historical experience of this nation.''

§ 302102. Inclusion of properties on National Register

(a) IN GENERAL.—A property that meets the criteria for National Historic Landmarks established pursuant to section 302103 of this title shall be designated as a National Historic Landmark and included on the National Register, subject to the requirements of section 302107 of this title.

(b) HISTORIC PROPERTY ON NATIONAL REGISTER ON DECEMBER 12, 1980.—All historic property included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this division.

(c) HISTORIC PROPERTY LISTED IN FEDERAL REGISTER OF FEBRUARY 6, 1979, OR PRIOR TO DECEMBER 12, 1980, AS NATIONAL HISTORIC LANDMARKS.—All historic property listed in the Federal Register of February 6, 1979, or prior to December 12, 1980, as National Historic Landmarks are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing in the Federal Register for purposes of this division and chapter 3201 of this title, except that in the case of a National Historic Landmark district for which no boundaries had been established as of December 12, 1980, boundaries shall first be published in the Federal Register.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3191.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302102	16 U.S.C. 470a(a)(1)(B).	Pub. L. 89–665, title I, § 101(a)(1)(B), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2988; Pub. L. 103–437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, § 814(d)(2)(F), Nov. 12, 1996, 110 Stat. 4196.

In subsection (c), the words ''had been established as of December 12, 1980'' are substituted for ''have been established'' for clarity.

§ 302103. Criteria and regulations relating to National Register, National Historic Landmarks, and World Heritage List

The Secretary, in consultation with national historical and archeological associations, shall—

(1) establish criteria for properties to be included on the National Register and criteria for National Historic Landmarks; and

(2) promulgate regulations for—

(A) nominating properties for inclusion on, and removal from, the National Register and the recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing that designation;

(C) considering appeals from recommendations, nominations, removals, and designa-

tions (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic property for inclusion in the World Heritage List in accordance with the World Heritage Convention;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark, or for nomination to the World Heritage List.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3192.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302103	16 U.S.C. 470a(a)(2).	Pub. L. 89–665, title I, § 101(a)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2988.

The words ''or revise'' are omitted as being included in ''establish'' and ''promulgate''.

§ 302104. Nominations for inclusion on National Register

(a) NOMINATION BY STATE.—Subject to the requirements of section 302107 of this title, any State that is carrying out a program approved under chapter 3023 shall nominate to the Secretary property that meets the criteria promulgated under section 302103 of this title for inclusion on the National Register. Subject to section 302107 of this title, any property nominated under this subsection or under section 306102 of this title shall be included on the National Register on the date that is 45 days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves the nomination within the 45-day period or unless an appeal is filed under subsection (d).

(b) NOMINATION BY PERSON OR LOCAL GOVERNMENT.—Subject to the requirements of section 302107 of this title, the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if the property is located in a State where there is no program approved under chapter 3023 of this title. The Secretary may include on the National Register any property for which such a nomination is made if the Secretary determines that the property is eligible in accordance with the regulations promulgated under section 302103 of this title. The determination shall be made within 90 days from the date of the nomination unless the nomination is appealed under subsection (d).

(c) NOMINATION BY FEDERAL AGENCY.—Subject to the requirements of section 302107 of this title, the regulations promulgated under section 302103 of this title, and appeal under subsection (d) of this section, the Secretary may accept a nomination directly by a Federal agency for inclusion of property on the National Register only if—

(1) completed nominations are sent to the State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register;

(2) within 45 days of receiving the completed nomination, the State Historic Preservation Officer has made a recommendation regarding the nomination to the Federal Preservation Officer, except that failure to meet this deadline shall constitute a recommendation to not support the nomination;

(3) the chief elected officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment;

(4) the Federal Preservation Officer forwards it to the Keeper of the National Register of Historic Places after determining that all procedural requirements have been met, including those in paragraphs (1) through (3) above; the nomination is adequately documented; the nomination is technically and professionally correct and sufficient; and may include an opinion as to whether the property meets the National Register criteria for evaluation;

(5) notice is provided in the Federal Register that the nominated property is being considered for listing on the National Register that includes any comments and the recommendation of the State Historic Preservation Officer and a declaration whether the State Historic Preservation Officer has responded within the 45 day-period of review provided in paragraph (2); and

(6) the Secretary addresses in the Federal Register any comments from the State Historic Preservation Officer that do not support the nomination of the property on the National Register before the property is included in the National Register.

(d) APPEAL.—Any person or local government may appeal to the Secretary—

(1) a nomination of any property for inclusion on the National Register; and

(2) the failure of a nominating authority to nominate a property in accordance with this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3192; Pub. L. 114–289, title VIII, § 802(b), Dec. 16, 2016, 130 Stat. 1494.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302104	16 U.S.C. 470a(a)(3) through (5).	Pub. L. 89–665, title I, § 101(a)(3) through (5), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2989.

In subsection (c)(1), the word ''historic'' is omitted because a historic property already is eligible for inclusion on the National Register and would not have to be nominated for inclusion.

In subsection (c)(2), the words ''or refusal'' are omitted as unnecessary.

AMENDMENTS

2016—Subsecs. (a), (b). Pub. L. 114–289, § 802(b)(1), substituted ''subsection (d)'' for ''subsection (c)''.

Subsecs. (c), (d). Pub. L. 114–289, § 802(b)(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

§ 302105. Owner participation in nomination process

(a) REGULATIONS.—The Secretary shall promulgate regulations requiring that before any property may be included on the National Register or designated as a National Historic Landmark, the owner of the property, or a majority of the owners of the individual properties within a district in the case of a historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property for inclusion or designation. The regulations shall include provisions to carry out this section in the case of multiple ownership of a single property.

(b) WHEN PROPERTY SHALL NOT BE INCLUDED ON NATIONAL REGISTER OR DESIGNATED AS NATIONAL HISTORIC LANDMARK.—If the owner of any privately owned property, or a majority of the owners of privately owned properties within the district in the case of a historic district, object to inclusion or designation, the property shall not be included on the National Register or designated as a National Historic Landmark until the objection is withdrawn.

(c) REVIEW BY SECRETARY.—The Secretary shall review the nomination of the property when an objection has been made and shall determine whether or not the property is eligible for inclusion or designation. If the Secretary determines that the property is eligible for inclusion or designation, the Secretary shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official, and the owner or owners of the property of the Secretary's determination.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3193.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302105(a)	16 U.S.C. 470a(a)(6) (1st, last sentences).	Pub. L. 89–665, title I, § 101(a)(6), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2989.
302105(b)	16 U.S.C. 470a(a)(6) (2d sentence).	
302105(c)	16 U.S.C. 470a(a)(6) (3d sentence).	

§ 302106. Retention of name

Notwithstanding section 43(c) of the Act of July 5, 1946 (known as the Trademark Act of 1946) (15 U.S.C. 1125(c)), buildings and structures on or eligible for inclusion on the National Register (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3193.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302106	16 U.S.C. 470a(a)(1)(A) (last sentence).	Pub. L. 89–665, title I, § 101(a)(1)(A) (last sentence), as added Pub. L. 106–113, div. B, § 1000(a)(9) [title III, § 3007], Nov. 29, 1999, 113 Stat. 1536, 1501A–551.

§ 302107. Regulations

The Secretary shall promulgate regulations—

(1) ensuring that significant prehistoric and historic artifacts, and associated records, subject to subchapter I of chapter 3061, chapter 3125, or the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) are deposited in an institution with adequate long-term curatorial capabilities;

(2) establishing a uniform process and standards for documenting historic property by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records in the Library of Congress; and

(3) certifying local governments, in accordance with sections 302502 and 302503 of this title, and for the transfer of funds pursuant to section 302902(c)(4) of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302107	16 U.S.C. 470a(a)(7).	Pub. L. 89–665, title I, § 101(a)(7), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2990.

In paragraph (3), the word ''transfer'' is substituted for ''allocation'' for consistency with section 302902(c)(4) of the new title.

REFERENCES IN TEXT

The Archaeological Resources Protection Act of 1979, referred to in par. (1), is Pub. L. 96–95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (§ 470aa et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of Title 16 and Tables.

§ 302108. Review of threats to historic property

At least once every 4 years, the Secretary, in consultation with the Council and with State Historic Preservation Officers, shall review significant threats to historic property to—

(1) determine the kinds of historic property that may be threatened;

(2) ascertain the causes of the threats; and

(3) develop and submit to the President and Congress recommendations for appropriate action.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302108	16 U.S.C. 470a(a)(8).	Pub. L. 89–665, title I, § 101(a)(8), as added Pub. L. 102–575, title XL, § 4003, Oct. 30, 1992, 106 Stat. 4753.

CHAPTER 3023—STATE HISTORIC PRESERVATION PROGRAMS

Sec.
302301. Regulations.
302302. Program evaluation.
302303. Responsibilities of State Historic Preservation Officer.
302304. Contracts and cooperative agreements.

§ 302301. Regulations

The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust, shall promulgate regulations for State Historic Preservation Programs. The regulations shall provide that a State program submitted to the Secretary under this chapter shall be approved by the Secretary if the Secretary determines that the program provides for—

(1) the designation and appointment by the chief elected official of the State of a State Historic Preservation Officer to administer the program in accordance with section 302303 of this title and for the employment or appointment by the officer of such professionally qualified staff as may be necessary for those purposes;

(2) an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

(3) adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3194.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302301	16 U.S.C. 470a(b)(1).	Pub. L. 89–665, title I, § 101(b)(1), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2990.

Before paragraph (1), the words ''or revise'' are omitted as unnecessary.

In paragraph (1), the words ''chief elected official'' are substituted for ''Governor'' for clarity because the definition of ''State'' in section 300316 of the new title includes entities in which the chief elected official is not the Governor.

§ 302302. Program evaluation

(a) WHEN EVALUATION SHOULD OCCCUR[1].—Periodically, but not less than every 4 years after the approval of any State program under section 302301 of this title, the Secretary, in consultation with the Council on the appropriate provisions of this division, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this division.

(b) DISAPPROVAL OF PROGRAM.—If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this division, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this division, until the program is consistent with this division, unless the Secretary determines that the program will be made consistent with this division within a reasonable period of time.

(c) OVERSIGHT.—The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(d) STATE FISCAL AUDIT AND MANAGEMENT SYSTEM.—

(1) SUBSTITUTION FOR COMPARABLE FEDERAL SYSTEMS.—At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system—

(A) establishes and maintains substantially similar accountability standards; and

(B) provides for independent professional peer review.

(2) FISCAL AUDITS AND REVIEW BY SECRETARY.—The Secretary—

(A) may conduct periodic fiscal audits of State programs approved under this subdivision as needed; and

(B) shall ensure that the programs meet applicable accountability standards.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3195.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302302	16 U.S.C. 470a(b)(2).	Pub. L. 89–665, title I, § 101(b)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2990; Pub. L. 102–575, title XL, § 4004(1), Oct. 30, 1992, 106 Stat. 4753.

§ 302303. Responsibilities of State Historic Preservation Officer

(a) IN GENERAL.—It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program.

[1] So in original. Probably should be ''OCCUR''.

(b) PARTICULAR RESPONSIBILITIES.—It shall be the responsibility of the State Historic Preservation Officer to—

(1) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic property and maintain inventories of the property;

(2) identify and nominate eligible property to the National Register and otherwise administer applications for listing historic property on the National Register;

(3) prepare and implement a comprehensive statewide historic preservation plan;

(4) administer the State program of Federal assistance for historic preservation within the State;

(5) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(6) cooperate with the Secretary, the Council, other Federal and State agencies, local governments, and private organizations and individuals to ensure that historic property is taken into consideration at all levels of planning and development;

(7) provide public information, education, and training and technical assistance in historic preservation;

(8) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to chapter 3025;

(9) consult with appropriate Federal agencies in accordance with this division on—

(A) Federal undertakings that may affect historic property; and

(B) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to that property; and

(10) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3195.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302303	16 U.S.C. 470a(b)(3).	Pub. L. 89–665, title I, § 101(b)(3), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2991; Pub. L. 102–575, title XL, § 4004(2), Oct. 30, 1992, 106 Stat. 4754.

In paragraph (6) of subsection (b), the word ''private'' is added before ''organizations'' for consistency with paragraph (1).

§ 302304. Contracts and cooperative agreements

(a) STATE.—A State may carry out all or any part of its responsibilities under this chapter by contract or cooperative agreement with a qualified nonprofit organization or educational institution.

(b) SECRETARY.—

(1) IN GENERAL.—

(A) AUTHORITY TO ASSIST SECRETARY.—Subject to paragraphs (3) and (4), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing the Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State:

(i) Identification and preservation of historic property.

(ii) Determination of the eligibility of property for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

(B) AUTHORITY TO MAINTAIN NATIONAL REGISTER.—Nothing in subparagraph (A) shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(2) REQUIREMENTS.—The Secretary may enter into a contract or cooperative agreement under paragraph (1) only if—

(A) the State Historic Preservation Officer has requested the additional responsibility;

(B) the Secretary has approved the State historic preservation program pursuant to sections 302301 and 302302 of this title;

(C) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that the Officer is fully capable of carrying out the responsibility in that manner;

(D) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to the contract or cooperative agreement; and

(E) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out that responsibility.

(3) ESTABLISH CONDITIONS AND CRITERIA.—For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by a State Historic Preservation Officer of the Secretary's duties in each of those programs.

(4) PRESERVATION PROGRAMS AND ACTIVITIES NOT DIMINISHED.—Nothing in this chapter shall have the effect of diminishing the preservation programs and activities of the Service.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3196.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302304	16 U.S.C. 470a(b)(4).	Pub. L. 89–665, title I, § 101(b)(4), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2991.
	16 U.S.C. 470a(b)(6).	Pub. L. 89–665, title I, § 101(b)(6), as added Pub. L. 102–575, title XL, § 4004(4), Oct. 30, 1992, 106 Stat. 4754.

CHAPTER 3025—CERTIFICATION OF LOCAL GOVERNMENTS

Sec.

302501. Definitions.

302502. Certification as part of State program.

302503. Requirements for certification.

302504. Participation of certified local governments in National Register nominations.

302505. Eligibility and responsibility of certified local government.

§ 302501. Definitions

In this chapter:

(1) DESIGNATION.—The term ''designation'' means the identification and registration of property for protection that meets criteria established by a State or locality for significant historic property within the jurisdiction of a local government.

(2) PROTECTION.—The term ''protection'' means protection by means of a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic property designated pursuant to this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302501	16 U.S.C. 470a(c)(4).	Pub. L. 89–665, title I, § 101(c)(4), as added Pub. L. 102–575, title XL, § 4005, Oct. 30, 1992, 106 Stat. 4755.

§ 302502. Certification as part of State program

Any State program approved under this subdivision shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this division and provide for the transfer, in accordance with section 302902(c)(4) of this title, of a portion of the grants received by the States under this division, to those local governments.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302502	16 U.S.C. 470a(c)(1) (1st sentence).	Pub. L. 89–665, title I, § 101(c)(1) (1st sentence), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2991.

§ 302503. Requirements for certification

(a) APPROVED STATE PROGRAM.—Any local government shall be certified to participate under this section if the applicable State Historic Preservation Officer, and the Secretary, certify that the local government—

(1) enforces appropriate State or local legislation for the designation and protection of historic property;

(2) has established an adequate and qualified historic preservation review commission by State or local legislation;

(3) maintains a system for the survey and inventory of historic property that furthers the purposes of chapter 3023;

(4) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

(5) satisfactorily performs the responsibilities delegated to it under this division.

(b) NO APPROVED STATE PROGRAM.—Where there is no State program approved under sections 302301 and 302302 of this title, a local government may be certified by the Secretary if the Secretary determines that the local government meets the requirements of subsection (a). The Secretary may make grants to the local government certified under this subsection for purposes of this subdivision.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3197.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302503	16 U.S.C. 470a(c)(1) (2d, last sentences).	Pub. L. 89–665, title I, § 101(c)(1) (2d, last sentences), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2991.

In subsection (b), the words ''State program approved under section 302302 of this title'' are substituted for ''approved State program'' for clarity.

§ 302504. Participation of certified local governments in National Register nominations

(a) NOTICE.—Before a property within the jurisdiction of a certified local government may be considered by a State to be nominated to the Secretary for inclusion on the National Reg-

ister, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission.

(b) REPORT.—The local historic preservation commission, after reasonable opportunity for public comment, shall prepare a report as to whether the property, in the Commission's opinion, meets the criteria of the National Register. Within 60 days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and the recommendation of the local official to the State Historic Preservation Officer.

(c) RECOMMENDATION.—

(1) PROPERTY NOMINATED TO NATIONAL REGISTER.—Except as provided in paragraph (2), after receipt of the report and recommendation, or if no report and recommendation are received within 60 days, the State shall make the nomination pursuant to section 302104 of this title. The State may expedite the process with the concurrence of the certified local government.

(2) PROPERTY NOT NOMINATED TO NATIONAL REGISTER.—If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless, within 30 days of the receipt of the recommendation by the State Historic Preservation Officer, an appeal is filed with the State. If an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 302104 of this title. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3198.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302504	16 U.S.C. 470a(c)(2).	Pub. L. 89–665, title I, § 101(c)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992.

§ 302505. Eligibility and responsibility of certified local government

Any local government—

(1) that is certified under this chapter shall be eligible for funds under section 302902(c)(4) of this title; and

(2) that is certified, or making efforts to become certified, under this chapter shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary considers necessary or advisable.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3198.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302505	16 U.S.C. 470a(c)(3).	Pub. L. 89–665, title I, § 101(c)(3), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992.

The words ''or which is making efforts to become so certified'' are omitted in paragraph (1) for consistency with section 302902(c)(4) of the new title.

CHAPTER 3027—HISTORIC PRESERVATION PROGRAMS AND AUTHORITIES FOR INDIAN TRIBES AND NATIVE HAWAIIAN ORGANIZATIONS

Sec.
302701. Program to assist Indian tribes in preserving historic property.
302702. Indian tribe to assume functions of State Historic Preservation Officer.
302703. Apportionment of grant funds.
302704. Contracts and cooperative agreements.
302705. Agreement for review under tribal historic preservation regulations.
302706. Eligibility for inclusion on National Register.

§ 302701. Program to assist Indian tribes in preserving historic property

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their historic property.

(b) COMMUNICATION AND COOPERATION.—The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to—

(1) ensure that all types of historic property and all public interests in historic property are given due consideration; and

(2) encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic property.

(c) TRIBAL VALUES.—The program under subsection (a) shall be developed in a manner to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this subdivision to conform to the cultural setting of tribal heritage preservation goals and objectives.

(d) SCOPE OF TRIBAL PROGRAMS.—The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each Indian tribe's chief governing authority.

(e) CONSULTATION.—The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservations[1] Officers, and other interested parties concerning the program under subsection (a).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3199.)

[1] So in original. Probably should be ''Preservation''.

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302701	16 U.S.C. 470a(d)(1).	Pub. L. 89–665, title I, § 101(d)(1), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4755.

In subsection (e), the words ''and initiate the program under subparagraph (A) by not later than October 1, 1994'' are omitted as obsolete.

§ 302702. Indian tribe to assume functions of State Historic Preservation Officer

An Indian tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with sections 302302 and 302303 of this title, with respect to tribal land, as those responsibilities may be modified for tribal programs through regulations issued by the Secretary, if—

(1) the Indian tribe's chief governing authority so requests;

(2) the Indian tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the Indian tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(3) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(4) the Secretary determines, after consulting with the Indian tribe, the appropriate State Historic Preservation Officer, the Council (if the Indian tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 306108 of this title), and other Indian tribes, if any, whose tribal or aboriginal land may be affected by conduct of the tribal preservation program, that—

(A) the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under paragraph (3);

(B) the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(C) the plan provides, with respect to properties neither owned by a member of the Indian tribe nor held in trust by the Secretary for the benefit of the Indian tribe, at the request of the owner of the properties, that the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with sections 302302 and 302303 of this title; and

(5) based on satisfaction of the conditions stated in paragraphs (1), (2), (3), and (4), the Secretary approves the plan.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302702	16 U.S.C. 470a(d)(2)	Pub. L. 89–665, title I, § 101(d)(2), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4756; Pub. L. 106—208, § 5(a)(1), May 26, 2000, 114 Stat. 318.

§ 302703. Apportionment of grant funds

In consultation with interested Indian tribes, other Native American organizations, and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 302902(c)(1)(A) of this title with respect to tribal programs that assume responsibilities under section 302702 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3200.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302703	16 U.S.C. 470a(d)(3).	Pub. L. 89–665, title I, § 101(d)(3), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4756.

§ 302704. Contracts and cooperative agreements

At the request of an Indian tribe whose preservation program has been approved to assume functions and responsibilities pursuant to section 302702 of this title, the Secretary shall enter into a contract or cooperative agreement with the Indian tribe permitting the assumption by the Indian tribe of any part of the responsibilities described in section 302304(b) of this title on tribal land, if—

(1) the Secretary and the Indian tribe agree on additional financial assistance, if any, to the Indian tribe for the costs of carrying out those authorities;

(2) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this division; and

(3) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by—

(A) the Indian tribe's traditional cultural authorities;

(B) representatives of other Indian tribes whose traditional land is under the jurisdiction of the Indian tribe assuming responsibilities; and

(C) the interested public.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3200.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302704	16 U.S.C. 470a(d)(4).	Pub. L. 89–665, title I, § 101(d)(4), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

§ 302705. Agreement for review under tribal historic preservation regulations

The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 306108 of this title, if the Council, after consultation with the Indian tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic property consideration equivalent to that afforded by the Council's regulations.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302705	16 U.S.C. 470a(d)(5).	Pub. L. 89–665, title I, § 101(d)(5), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

§ 302706. Eligibility for inclusion on National Register

(a) IN GENERAL.—Property of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(b) CONSULTATION.—In carrying out its responsibilities under section 306108 of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to property described in subsection (a).

(c) HAWAII.—In carrying out responsibilities under section 302303 of this title, the State Historic Preservation Officer for Hawaii shall—

(1) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate the property to the National Register;

(2) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for the property; and

(3) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate the property to the National Register and to carry out the cultural component of the preservation program or plan.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302706	16 U.S.C. 470a(d)(6).	Pub. L. 89–665, title I, § 101(d)(6), as added Pub. L. 102–575, title XL, § 4006(a)(2), Oct. 30, 1992, 106 Stat. 4757.

CHAPTER 3029—GRANTS

Sec.
302901. Awarding of grants and availability of grant funds.
302902. Grants to States.
302903. Grants to National Trust.
302904. Direct grants for the preservation of properties included on National Register.
302905. Religious property.
302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups.
302907. Grants to Indian tribes and Native Hawaiian organizations.
302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.
302909. Prohibited use of grant amounts.
302910. Recordkeeping.

§ 302901. Awarding of grants and availability of grant funds

(a) IN GENERAL.—No grant may be made under this division unless application for the grant is submitted to the Secretary in accordance with regulations and procedures prescribed by the Secretary.

(b) GRANT NOT TREATED AS TAXABLE INCOME.—No grant made pursuant to this division shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(c) AVAILABILITY.—The Secretary shall make funding available to individual States and the National Trust as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be deemed to be one grant and shall be administered by the Service as one grant.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302901(a)	16 U.S.C. 470b(a) (1st sentence paragraph (1)).	Pub. L. 89–665, title I, § 102(a) (1st sentence paragraph (1)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94–422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319.
302901(b)	16 U.S.C. 470b(a) (last sentence).	Pub. L. 89–665, title I, § 102(a) (last sentence), as added Pub. L. 96–515, title II, § 202(b), Dec. 12, 1980, 94 Stat. 2993; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.
302901(c)	16 U.S.C. 470b(d) (relating to availability).	Pub. L. 89–665, title I, § 102(d) (relating to availability), as added Pub. L. 102–575, title XL, § 4009(3), Oct. 30, 1992, 106 Stat. 4759.

In subsection (b), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

§ 302902. Grants to States

(a) IN GENERAL.—The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this division.

(b) CONDITIONS.—

(1) In general[1].—No grant may be made under this division—

(A) unless the application is in accordance with the comprehensive statewide historic preservation plan that has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to chapter 2003 of this title;

[1] So in original. Probably should be ''IN GENERAL''.

(B) unless the grantee has agreed to make reports, in such form and containing such information, as the Secretary may from time to time require;

(C) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; or

(D) until the grantee has complied with such further terms and conditions as the Secretary may consider necessary or advisable.

(2) WAIVER.—The Secretary may waive the requirements of subparagraphs (A) and (C) of paragraph (1) for any grant under this division to the National Trust.

(3) AMOUNT LIMITATION.—

(A) IN GENERAL.—No grant may be made under this division for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 302303 of this title in any one fiscal year.

(B) SOURCE OF STATE SHARE OF COSTS.—Except as permitted by other law, the State share of the costs referred to in subparagraph (A) shall be contributed by non-Federal sources.

(4) RESTRICTION ON USE OF REAL PROPERTY TO MEET NON-FEDERAL SHARE OF COST OF PROJECT.—No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the non-Federal share of the cost of a project for which a grant is made under this division.

(c) APPORTIONMENT OF GRANT AMOUNTS.—

(1) BASES FOR APPORTIONMENT.—The amounts appropriated and made available for grants to the States—

(A) for the purposes of this division shall be apportioned among the States by the Secretary on the basis of needs as determined by the Secretary; and

(B) for projects and programs under this division for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

(2) NOTIFICATION.—The Secretary shall notify each State of its apportionment under paragraph (1)(B) within 30 days after the date of enactment of legislation appropriating funds under this division.

(3) REAPPORTIONMENT.—Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which the notification is given or during the 2 fiscal years after that fiscal year shall be reapportioned by the Secretary in accordance with paragraph (1)(B). The Secretary shall analyze and revise as necessary the method of apportionment. The method and any revision shall be published by the Secretary in the Federal Register.

(4) TRANSFER OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—Not less than 10 percent of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this division shall be transferred by the State, pursuant to the requirements of this division, to certified local governments for historic preservation projects or programs of the certified local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, 50 percent of the excess shall also be transferred by the States to certified local governments.

(5) GUIDELINES FOR USE AND DISTRIBUTION OF FUNDS TO CERTIFIED LOCAL GOVERNMENTS.—The Secretary shall establish guidelines for the use and distribution of funds under paragraph (4) to ensure that no certified local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single certified local government. The guidelines shall not limit the ability of any State to distribute more than 10 percent of its annual apportionment under paragraph (4), nor shall the Secretary require any State to exceed the 10 percent minimum distribution to certified local governments.

(d) ADMINISTRATIVE COSTS.—The total direct and indirect administrative costs charged for carrying out State projects and programs shall not exceed 25 percent of the aggregate costs (except in the case of a grant to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302902(a)	16 U.S.C. 470a(e)(1).	Pub. L. 89–665, title I, § 101(e)(1), formerly § 101(d)(1), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(e)(1) and amended, Pub. L. 102–575, title XL, §§ 4006(a)(1), 4007(1), Oct. 30, 1992, 106 Stat. 4755, 4758.
302902(b)(1)	16 U.S.C. 470b(a) (1st sentence paragraphs (2), (4) through (6)).	Pub. L. 89–665, title I, § 102(a) (1st sentence paragraphs (2), (4) through (6), (d) (relating to remaining cost of project)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94–422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319.
302902(b)(2)	16 U.S.C. 470b(b).	Pub. L. 89–665, title I, § 102(b), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94–422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 102–575, title XL, § 4009(2), Oct. 30, 1992, 106 Stat. 4759.
302902(b)(3)(A).	16 U.S.C. 470b(a) (1st sentence paragraph (3)).	Pub. L. 89–665, title I, § 102(a) (1st sentence paragraph (3)), Oct. 15, 1966, 80 Stat. 916; Pub. L. 94–422, title II, § 201(1), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96–515, title II, § 202(a), Dec. 12, 1980, 94 Stat. 2993; Pub. L. 102–575, title XL, § 4009(1), Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106–208, § 5(a)(5), May 26, 2000, 114 Stat. 318.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302902(b)(3)(B).	16 U.S.C. 470b(a) (2d sentence).	Pub. L. 89–665, title I, § 102(a) (2d sentence), as added Pub. L. 96–515, title II, § 202(b), Dec. 12, 1980, 94 Stat. 2993.
302902(b)(4)	16 U.S.C. 470b(d) (relating to remaining cost of project).	
302902(c)	16 U.S.C. 470c.	Pub. L. 89–665, title I, § 103, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94–422, title II, § 201(2), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96–515, title II, § 203, Dec. 12, 1980, 94 Stat. 2993; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102–575, title XL, § 4010, Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106–208, § 5(a)(6), May 26, 2000, 114 Stat. 318.
302902(d)	16 U.S.C. 470b(e).	Pub. L. 89–665, title I, § 102(e), as added Pub. L. 102–575, title XL, § 4009(3), Oct. 30, 1992, 106 Stat. 4759.

In subsection (b)(4), the words ''non-Federal share of the'' are substituted for ''remaining'' for clarity.

§ 302903. Grants to National Trust

(a) SECRETARY OF THE INTERIOR.—The Secretary may administer grants to the National Trust consistent with the purposes of its charter and this division.

(b) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development may make grants to the National Trust, on terms and conditions and in amounts (not exceeding $90,000 with respect to any one structure) as the Secretary of Housing and Urban Development considers appropriate, to cover the costs incurred by the National Trust in renovating or restoring structures that the National Trust considers to be of historic or architectural value and that the National Trust has accepted and will maintain (after the renovation or restoration) for historic purposes.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302903(a)	16 U.S.C. 470a(e)(2).	Pub. L. 89–665, title I, § 101(e)(2), formerly § 101(d)(2), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(e)(2), Pub. L. 102–575, title XL, § 4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106–208, § 5(a)(2), May 26, 2002, 114 Stat. 318.
302903(b)	16 U.S.C. 470b–1.	Pub. L. 89–754, title VI, § 603, Nov. 3, 1980, 80 Stat. 1278.

In subsection (a), the words ''chartered by sections 468 to 468d of this title'' are omitted as unnecessary.

In subsection (b), the text of 16 U.S.C. 470b–1(b) is omitted as unnecessary.

§ 302904. Direct grants for the preservation of properties included on National Register

(a) ADMINISTRATION OF PROGRAM.—The Secretary shall administer a program of direct grants for the preservation of properties included on the National Register.

(b) AVAILABLE AMOUNT.—Funds to support the program annually shall not exceed 10 percent of the amount appropriated annually for the Historic Preservation Fund.

(c) USES OF GRANTS.—

(1) IN GENERAL.—Grants under this section may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

(A) for the preservation of—

(i) National Historic Landmarks that are threatened with demolition or impairment; and

(ii) historic property of World Heritage significance;

(B) for demonstration projects that will provide information concerning professional methods and techniques having application to historic property;

(C) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

(D) to assist individuals or small businesses within any historic district included on the National Register to remain within the district.

(2) LIMIT ON CERTAIN GRANTS.—A grant may be made under subparagraph (A) or (D) of paragraph (1) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 303901 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302904(a) through (c)(1).	16 U.S.C. 470a(e)(3)(A).	Pub. L. 89–665, title I, § 101(e)(3)(A), (C), formerly § 101(d)(3)(A), (C), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(e)(3)(A), (C), Pub. L. 102–575, title XL, § 4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106–208, § 5(a)(3), May 26, 2002, 114 Stat. 318.
302904(c)(2)	16 U.S.C. 470a(e)(3)(C).	

In subsection (a), the words ''In addition to the programs under paragraphs (1) and (2)'' are omitted as unnecessary.

In subsection (c)(1)(D), the word ''individuals'' is substituted for ''persons'' for clarity.

§ 302905. Religious property

(a) IN GENERAL.—Grants may be made under this chapter for the preservation, stabilization,

restoration, or rehabilitation of religious property listed on the National Register if the purpose of the grant—

(1) is secular;

(2) does not promote religion; and

(3) seeks to protect qualities that are historically significant.

(b) EFFECT OF SECTION.—Nothing in this section shall be construed to authorize the use of any funds made available under this subdivision for the acquisition of any religious property listed on the National Register.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302905	16 U.S.C. 470a(e)(4).	Pub. L. 89–665, title I, § 101(e)(4), as added Pub. L. 102–575, title XL, § 4007(2), Oct. 30, 1992, 106 Stat. 4758.

§ 302906. Grants and loans to Indian tribes and nonprofit organizations representing ethnic or minority groups

The Secretary may, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this subdivision to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3204.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302906	16 U.S.C. 470a(e)(3)(B).	Pub. L. 89–665, title I, § 101(e)(3)(B), formerly § 101(d)(3)(B), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(e)(3)(B), Pub. L. 102–575, title XL, § 4006(a)(1), Oct. 30, 1992, 106 Stat. 4755; Pub. L. 106–208, § 5(a)(3), May 26, 2002, 114 Stat. 318.

§ 302907. Grants to Indian tribes and Native Hawaiian organizations

The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this division as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to an Indian tribe or Native Hawaiian organization may be used as matching funds for the purposes of the Indian tribe's or Native Hawaiian organization's conducting its responsibilities pursuant to this subdivision.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302907	16 U.S.C. 470a(e)(5).	Pub. L. 89–665, title I, § 101(e)(5), as added Pub. L. 102–575, title XL, § 4007(2), Oct. 30, 1992, 106 Stat. 4758.

§ 302908. Grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

(a) IN GENERAL.—As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1901 et seq., 2001 et seq.), and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled ''Joint Resolution to approve the 'Compact of Free Association' between the United States and Government[1] of Palau, and for other purposes'' (48 U.S.C. 1931 et seq.) or any successor enactment.

(b) GOAL OF PROGRAM.—The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each of those nations so that at the termination of the compacts the programs shall be firmly established.

(c) BASIS OF ALLOCATING AMOUNTS.—The amounts to be made available under this subsection shall be allocated by the Secretary on the basis of needs as determined by the Secretary.

(d) WAIVERS AND MODIFICATIONS.—The Secretary may waive or modify the requirements of this subdivision to conform to the cultural setting of those nations. Matching funds may be waived or modified.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302908	16 U.S.C. 470a(e)(6).	Pub. L. 89–665, title I, § 101(e)(6), as added Pub. L. 102–575, title XL, § 4007(2), Oct. 30, 1992, 106 Stat. 4758.

In subsection (a), the words ''the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands'' are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note). The words ''or any successor enactment'' are added for clarity.

[1] So in original. Probably should be preceded by ''the''.

REFERENCES IN TEXT

The Compact of Free Association Act of 1985, referred to in subsec. (a), is Pub. L. 99–239, Jan. 14, 1986, 99 Stat. 1770, which is classified principally to part A of subchapter I (§ 1901 et seq.) of chapter 18 and chapter 19 (§ 2001 et seq.) of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 48 and Tables.

The Joint Resolution entitled ''Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau, and for other purposes'', referred to in subsec. (a), is Pub. L. 99–658, Nov. 14, 1986, 100 Stat. 3672, which is classified generally to part A (§ 1931 et seq.) of subchapter II of chapter 18 of Title 48. For complete classification of this Act to the Code, see Tables.

§ 302909. Prohibited use of grant amounts

No part of any grant made under this subdivision shall be used to compensate any person intervening in any proceeding under this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302909	16 U.S.C. 470a(f).	Pub. L. 89–665, title I, § 101(f), formerly § 101(e), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(f), Pub. L. 102–575, title XL, § 4006(a)(1), Oct. 30, 1992, 106 Stat. 4758.

§ 302910. Recordkeeping

A recipient of assistance under this division shall keep—

(1) such records as the Secretary shall prescribe, including records that fully disclose—

(A) the disposition by the recipient of the proceeds of the assistance;

(B) the total cost of the project or undertaking in connection with which the assistance is given or used; and

(C) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302910	16 U.S.C. 470e.	Pub. L. 89–665, title I, § 105, Oct. 15, 1966, 80 Stat. 917.

The word ''recipient'' is substituted for ''beneficiary'' for clarity.

CHAPTER 3031—HISTORIC PRESERVATION FUND

Sec.
303101. Establishment.
303102. Funding.
303103. Use and availability.

AMENDMENTS

2016—Pub. L. 114–289, title VIII, § 802(c)(2), Dec. 16, 2016, 130 Stat. 1495, substituted ''Funding'' for ''Content'' in item 303102.

§ 303101. Establishment

To carry out this division (except chapter 3041) and chapter 3121, there is established in the Treasury the Historic Preservation Fund.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303101	16 U.S.C. 470h (1st paragraph).	Pub. L. 89–665, title I, § 108 (1st paragraph), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320.

The words ''(except chapter 3041) and chapter 3121'' are added for clarity. The Advisory Council on Historic Preservation does not receive amounts from the Fund. The National Trust for Historic Preservation in the United States does receive amounts.

§ 303102. Funding

For each of fiscal years 2012 to 2023, $150,000,000 shall be deposited in the Historic Preservation Fund from revenues due and payable to the United States under section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), section 7433(b) of title 10, or both, notwithstanding any provision of law that those proceeds shall be credited to miscellaneous receipts of the Treasury.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206; Pub. L. 114–289, title VIII, § 802(a), (c)(1), Dec. 16, 2016, 130 Stat. 1494, 1495.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303102	16 U.S.C. 470h (last paragraph 1st sentence).	Pub. L. 89–665, title I, § 108 (last paragraph 1st sentence), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96–515, title II, § 205, Dec. 12, 1980, 94 Stat. 2995; Pub. L. 100–127, Oct. 9, 1987, 101 Stat. 800; Pub. L. 102–575, title XL, § 4011, Oct. 30, 1992, 106 Stat. 4760; Pub. L. 106–208, §§ 2, 5(a)(7), May 26, 2000, 114 Stat. 318, 319; Pub. L. 109–453, § 1(c), Dec. 22, 2006, 120 Stat. 3367.

Reference to fiscal years 1977–2011 is omitted as obsolete.

AMENDMENTS

2016—Pub. L. 114–289 substituted ''Funding'' for ''Contents'' in section catchline and ''2023'' for ''2015'' in text.

§ 303103. Use and availability

Amounts in the Historic Preservation Fund shall be used only to carry out this division and shall be available for expenditure only when appropriated by Congress. Any amount not appropriated shall remain available in the Historic Preservation Fund until appropriated for those purposes. Appropriations made pursuant to this section may be made without fiscal year limitation.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303103	16 U.S.C. 470h (last paragraph last sentence).	Pub. L. 89–665, title I, § 108 (last paragraph last sentence), Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(4), Sept. 28, 1976, 90 Stat. 1320.

CHAPTERS 3033 THROUGH 3037—RESERVED

CHAPTER 3039—MISCELLANEOUS

Sec.
303901. Loan insurance program for preservation of property included on National Register.
303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property.
303903. Preservation education and training program.

§ 303901. Loan insurance program for preservation of property included on National Register

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a program by which the Secretary may, on application of a private lender, insure loans (including loans made in accordance with a mortgage) made by the lender to finance any project for the preservation of a property included on the National Register.

(b) LOAN QUALIFICATIONS.—A loan may be insured under this section if—

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed the amount and rate established by the Secretary by regulation;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of 40 years or the expected life of the asset financed;

(6) the amount insured with respect to the loan does not exceed 90 percent of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet such other terms and conditions as may be prescribed by the Secretary by regulation, especially terms and conditions relating to the nature and quality of the preservation work.

(c) CONSULTATION.—The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(d) LIMITATION ON AMOUNT OF UNPAID PRINCIPAL BALANCE OF LOANS.—The aggregate unpaid principal balance of loans insured under this section may not exceed the amount that has been deposited in the Historic Preservation Fund but which has not been appropriated for any purpose.

(e) INSURANCE CONTRACTS.—Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(f) CONDITIONS AND METHODS OF PAYMENT AS RESULT OF LOSS.—The Secretary shall specify, by regulation and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(g) PROTECTION OF FINANCIAL INTERESTS OF FEDERAL GOVERNMENT.—In entering into any contract to insure a loan under this section, the Secretary shall take steps to ensure adequate protection of the financial interests of the Federal Government. The Secretary may—

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the historic property securing a loan insured under this section; and

(2) operate or lease the historic property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (h).

(h) CONVEYANCE TO GOVERNMENTAL OR NONGOVERNMENTAL ENTITY OF PROPERTY ACQUIRED BY FORECLOSURE.—

(1) ATTEMPT TO CONVEY TO ENSURE PROPERTY'S PRESERVATION AND USE.—In any case in which historic property is obtained pursuant to subsection (g), the Secretary shall attempt to convey the property to any governmental or nongovernmental entity under conditions that will ensure the property's continued preservation and use. If, after a reasonable time, the Secretary, in consultation with the Council, determines that there is no feasible and prudent means to convey the property and to ensure its continued preservation and use, the Secretary may convey the property at the fair market value of its interest in the property to any entity without restriction.

(2) DISPOSITION OF FUNDS.—Any funds obtained by the Secretary in connection with the conveyance of any historic property pursuant to paragraph (1) shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(i) ASSESSMENT OF FEES IN CONNECTION WITH INSURING LOANS.—The Secretary may assess ap-

propriate and reasonable fees in connection with insuring loans under this section. The fees shall be deposited in the Historic Preservation Fund and shall remain available in the Historic Preservation Fund until appropriated by Congress to carry out this division.

(j) TREATMENT OF LOANS AS NON-FEDERAL FUNDS.—Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned on the use of non-Federal funds by the recipient for payment of any portion of the costs of the project or activity.

(k) INELIGIBILITY OF DEBT OBLIGATION FOR PURCHASE OR COMMITMENT TO PURCHASE BY, OR SALE OR ISSUANCE TO, FEDERAL FINANCING BANK.—No debt obligation that is made or committed to be made, or that is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303901	16 U.S.C. 470d.	Pub. L. 89–665, title I, § 104, Oct. 15, 1966, 80 Stat. 917; Pub. L. 96–515, title II, § 204, Dec. 12, 1980, 94 Stat. 2994.

The text of 16 U.S.C. 470d(j) is omitted as unnecessary.

In subsection (d), the words ''pursuant to section 470h of this title and subsections (g) and (i) of this section, as in effect on December 12, 1980'' are omitted as unnecessary and obsolete. The cross reference to subsection (i) should be to subsection (h).

In subsection (g)(1), the word ''part'' is translated as ''section'' for clarity because 16 U.S.C. 470d is the only provision of the part that relates to insuring loans.

In subsection (h)(2), the words ''in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (i) of this section'' are omitted as unnecessary. The cross reference to subsection (i) should be to subsection (h).

In subsection (i), the words ''in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (g) of this section'' are omitted as unnecessary.

§ 303902. Training in, and dissemination of information concerning, professional methods and techniques for preservation of historic property

The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic property and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303902	16 U.S.C. 470a(i).	Pub. L. 89–665, title I, § 101(i), formerly § 101(h), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, § 11, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, § 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, § 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, § 201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as § 101(i), Pub. L. 102–575, title XL, § 4006(a)(1), Oct. 30, 1992, 106 Stat. 4758.

§ 303903. Preservation education and training program

The Secretary, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, shall develop and implement a comprehensive preservation education and training program. The program shall include—

(1) standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(2) preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(3) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(4) where appropriate, coordination with the National Center for Preservation Technology and Training of—

(A) distribution of information on preservation technologies;

(B) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(C) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303903	16 U.S.C. 470a(j).	Pub. L. 89–665, title I, § 101(j), as added Pub. L. 102–575, title XL, § 4008, Oct. 30, 1992, 106 Stat. 4758.

In paragraph (1), the word ''new'' is omitted as unnecessary.

In paragraph (2), the word ''increased'' is omitted as unnecessary.

SUBDIVISION 3—ADVISORY COUNCIL ON HISTORIC PRESERVATION

CHAPTER 3041—ADVISORY COUNCIL ON HISTORIC PRESERVATION

Sec.
304101. Establishment; vacancies.
304102. Duties of Council.
304103. Cooperation between Council and instrumentalities of executive branch of Federal Government.

Sec.
304104. Compensation of members of Council.
304105. Administration.
304106. International Centre for the Study of the Preservation and Restoration of Cultural Property.
304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress.
304108. Regulations, procedures, and guidelines.
304109. Budget submission.
304110. Report by Secretary to Council.
304111. Reimbursements from State and local agencies.
304112. Effectiveness of Federal grant and assistance programs.

§ 304101. Establishment; vacancies

(a) ESTABLISHMENT.—There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation, which shall be composed of the following members:

(1) A Chairman appointed by the President selected from the general public.

(2) The Secretary.

(3) The Architect of the Capitol.

(4) The Secretary of Agriculture and the heads of 7 other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President.

(5) One Governor appointed by the President.

(6) One mayor appointed by the President.

(7) The President of the National Conference of State Historic Preservation Officers.

(8) The General Chairman of the National Association of Tribal Historic Preservation Officers.

(9) The Chairman of the National Trust.

(10) Four experts in the field of historic preservation appointed by the President from architecture, history, archeology, and other appropriate disciplines.

(11) Three members from the general public, appointed by the President.

(12) One member of an Indian tribe or Native Hawaiian organization who represents the interests of the Indian tribe or Native Hawaiian organization of which he or she is a member, appointed by the President.

(b) DESIGNATION OF SUBSTITUTES.—Each member of the Council specified in paragraphs (2) to (5) and (7) through (9) of subsection (a) may designate another officer of the department, agency, or organization to serve on the Council instead of the member, except that, in the case of paragraphs (2) and (4), no officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be designated.

(c) TERM OF OFFICE.—Each member of the Council appointed under paragraphs (10) through (12) of subsection (a) shall serve for a term of 4 years from the expiration of the term of the member's predecessor. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of 4 years. An appointed member, other than the Chairman of the Council, may not serve more than 2 terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) VACANCIES.—A vacancy in the Council shall not affect its powers, but shall be filled, not later than 60 days after the vacancy commences, in the same manner as the original appointment (and for the balance of the unexpired term).

(e) CHAIRMAN.—(1) After January 20, 2017, the Chairman shall—

(A) be appointed by the President, by and with the advice and consent of the Senate;

(B) serve at the will of the President;

(C) serve full time; and

(D) be compensated at the rate provided for Level V of the Executive Schedule Pay Rates under section 5316 of title 5.

(2) The Chairman shall serve for a term of 4 years and may be reappointed once, for a total of not more than 8 years of service as Chairman, except that a Chairman whose appointment has expired under this paragraph shall serve until his or her successor has been appointed. The term of a Chairman shall start (regardless of actual appointment date) on January 20 after each general Presidential election. The first Chairman appointed after the date of enactment of this paragraph shall have a first term commencing on January 20, 2017, and ending on January 19, 2021.

(3) The Chairmen before the first appointment of a Chairman in accordance with paragraph (1) of this subsection shall receive $100 per diem when engaged in the performance of the duties of the Council, and shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(f) DESIGNATION OF VICE CHAIRMAN.—The President shall designate a Vice Chairman from the members appointed under paragraph (5), (6), (10), or (11) of subsection (a). The Vice Chairman shall perform the functions of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(g) QUORUM.—Thirteen members of the Council shall constitute a quorum.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3209; Pub. L. 114–289, title V, § 501(a)–(c)(1), Dec. 16, 2016, 130 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304101	16 U.S.C. 470i.	Pub. L. 89–665, title II, § 201, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91–243, § 1(b) through (e), May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(c), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(5), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96–515, title III, § 301(a) through (f), Dec. 12, 1980, 94 Stat. 2998; Pub. L. 102–575, title XL, §§ 4016, 4019(b), Oct. 30, 1992, 106 Stat. 4763, 4765; Pub. L. 104–333, div. I, title V, § 509(c)(1), (2), Nov. 12, 1996, 110 Stat. 4157; Pub. L. 109–453, § 1(d), Dec. 22, 2006, 120 Stat. 3367.

In subsection (a)(9), the words ''the disciplines of'' are omitted as unnecessary.

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (e)(2), is the date of enactment of Pub. L. 114–289, which was approved Dec. 16, 2016.

AMENDMENTS

2016—Subsec. (a)(8) to (12). Pub. L. 114–289, § 501(a), added par. (8) and redesignated former pars. (8) to (11) as (9) to (12), respectively.

Subsec. (b). Pub. L. 114–289, § 501(c)(1)(A), substituted ''and (7) through (9)'' for '', (7), and (8)''.

Subsec. (c). Pub. L. 114–289, § 501(c)(1)(B), substituted ''under paragraphs (10) through (12)'' for ''under paragraphs (1) and (9) to (11)'' and ''An appointed member, other than the Chairman of the Council, may not serve more than 2 terms.'' for ''An appointed member may not serve more than 2 terms.''

Subsec. (e). Pub. L. 114–289, § 501(b)(2), added subsec. (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 114–289, § 501(b)(1), (3), (c)(1)(C), redesignated subsec. (e) as (f) and substituted ''paragraph (5), (6), (10), or (11)'' for ''paragraph (5), (6), (9), or (10)'' and ''shall perform the functions'' for ''may act in place''. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 114–289, § 501(b)(1), (c)(1)(D), redesignated subsec. (f) as (g) and substituted ''Thirteen members'' for ''Twelve members''.

§ 304102. Duties of Council

(a) DUTIES.—The Council shall—

(1) advise the President and Congress on matters relating to historic preservation, recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation, and advise on the dissemination of information pertaining to those activities;

(2) encourage, in cooperation with the National Trust and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as—

(A) the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments; and

(B) the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to Federal agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this division; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) ANNUAL REPORT.—The Council annually shall submit to the President a comprehensive report of its activities and the results of its studies and shall from time to time submit additional and special reports as it deems advisable. Each report shall propose legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3210.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304102	16 U.S.C. 470j.	Pub. L. 89–665, title II, § 202, Oct. 15, 1966, 80 Stat. 918; Pub. L. 96–515, title III, § 301(g), Dec. 12, 1980, 94 Stat. 2999.

§ 304103. Cooperation between Council and instrumentalities of executive branch of Federal Government

The Council may secure directly from any Federal agency information, suggestions, estimates, and statistics for the purpose of this chapter. Each Federal agency may furnish information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3211.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304103	16 U.S.C. 470k.	Pub. L. 89–665, title II, § 203, Oct. 15, 1966, 80 Stat. 918.

The words ''Federal agency'' are substituted for ''department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government'' to eliminate unnecessary words and for consistency in the revised chapter.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3211; Pub. L. 114–289, title V, § 501(c)(2), Dec. 16, 2016, 130 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304104	16 U.S.C. 470*l*.	Pub. L. 89–665, title II, § 204, Oct. 15, 1966, 80 Stat. 918; Pub. L. 91–243, § 1(f), May 9, 1970, 84 Stat. 204; Pub. L. 94–422, title II, § 201(6), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96–515, title III, § 301(h), Dec. 12, 1980, 94 Stat. 2999.

AMENDMENTS

2016—Pub. L. 114–289 inserted ''The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101.'' after ''without additional compensation.''

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Chairman and perform such functions and duties as the Chairman may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council's duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the

National Historic Preservation Act (Public Law 89–665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Council is exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3211; Pub. L. 114–289, title V, § 501(c)(3), Dec. 16, 2016, 130 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304105(a) through (g).	16 U.S.C. 470m.	Pub. L. 89–665, title II, § 205, Oct. 15, 1966, 80 Stat. 919; Pub. L. 91–243, § 1(g), May 9, 1970, 84 Stat. 204; Pub. L. 94–422, title II, § 201(7), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96–515, title III, § 301(i), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 104–333, div. I, title V, § 509(c)(4), Nov. 12, 1996, 110 Stat. 4158; Pub. L. 106–176, title I, § 109, Mar. 10, 2000, 114 Stat. 26; Pub. L. 109–453, § 1(e), Dec. 22, 2006, 120 Stat. 3367.
304105(h)	16 U.S.C. 470p.	Pub. L. 89–665, title II, §§ 208, 209, as added Pub. L. 94–422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.
304105(i), (j)	16 U.S.C. 470q.	

In subsection (a), the words ''at a rate within the Executive Schedule'' are added to retain the ability to hire an Executive Director within the General Schedule. The words ''in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5'' are added for consistency with the intent of the source provision language as it existed in 1966, which included all Federal employees. The language is updated to reflect the existence of the Senior Executive Service and senior level employees above grade 15.

In subsection (c), the words ''that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5'' are substituted for ''not to exceed that now or hereafter prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of title 5'' for consistency with the intent of the source provision language as it existed in 1966, which included all Federal employees. The language is updated to reflect the existence of the Senior Executive Service and senior level employees above grade 15.

In subsection (d), the words ''chapter 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the Classification Act of 1949'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the 1st section of which enacted Title 5, United States Code.

In subsection (f)(1), the word ''Secretary'' is substituted for ''Department of the Interior'' because of 43 U.S.C. 1451.

REFERENCES IN TEXT

Section 207 of the National Historic Preservation Act, referred to in subsec. (h), is section 207 of Pub. L. 89–665, as added Pub. L. 94–422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322, which related to transfer of personnel and property by Department of the Interior to Advisory Council on Historic Preservation and was classified to section 470*o* of Title 16, Conservation, prior to repeal by Pub. L. 113–287, § 7, Dec. 19, 2014, 128 Stat. 3272.

The Federal Advisory Committee Act, referred to in subsec. (i), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2016—Subsec. (a). Pub. L. 114–289 substituted ''report directly to the Chairman'' for ''report directly to the Council'' and ''duties as the Chairman may prescribe'' for ''duties as the Council may prescribe''.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304106	16 U.S.C. 470n.	Pub. L. 89–665, title II, § 206, as added Pub. L. 91–243, § 2, May 9, 1970, 84 Stat. 204; Pub. L. 93–54, § 1(b), July 1, 1973, 87 Stat. 139; Pub. L. 94–422, title II, § 201(8), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96–199, title I, § 114, Mar. 5, 1980, 94 Stat. 71; Pub. L. 106–208, § 5(b), May 26, 2000, 114 Stat. 319.

The text of 16 U.S.C. 470n(c) is omitted as obsolete.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3213.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304107	16 U.S.C. 470r.	Pub. L. 89–665, title II, § 210, as added Pub. L. 94–422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96–515, title III, § 301(k), Dec. 12, 1980, 94 Stat. 2999.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304108(a), (b).	16 U.S.C. 470s.	Pub. L. 89–665, title II, § 211, as added Pub. L. 94–422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96–515, title III, § 301(*l*), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 102–575, title XL, § 4018, Oct. 30, 1992, 106 Stat. 4763.
304108(c)	16 U.S.C. 470v.	Pub. L. 89–665, title II, § 214, as added Pub. L. 96–515, title III, § 302(a), Dec. 12, 1980, 94 Stat. 3000.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304109(a)	16 U.S.C. 470t(a) (1st sentence).	Pub. L. 89–665, title II, § 212(a) (1st sentence), (b), as added Pub. L. 94–422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1323; Pub. L. 96–205, title VI, § 608(a)(3), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title III, § 302(b), Dec. 12, 1980, 94 Stat. 3000; Pub. L. 103–437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584.
304109(b)	16 U.S.C. 470t(b).	

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304110	16 U.S.C. 470u.	Pub. L. 89–665, title II, § 213, as added Pub. L. 96–515, title III, § 302(a), Dec. 12, 1980, 94 Stat. 3000.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304111	16 U.S.C. 470v–1.	Pub. L. 89–665, title II, § 215, as added Pub. L. 104–333, div. I, title V, § 509(c)(3), Nov. 12, 1996, 110 Stat. 4157.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of the program in meeting the purposes and policies of this division. The cooperative agreement may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this division or that allow the Council to participate in the selection of recipients, if those provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) REVIEW OF GRANT AND ASSISTANCE PROGRAMS.—The Council may—

(1) review the operation of any Federal grant or assistance program to evaluate the effec-

tiveness of the program in meeting the purposes and policies of this division;

(2) make recommendations to the head of any Federal agency that administers the program to further the consistency of the program with the purposes and policies of this division and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this division, including recommendations with regard to appropriate funding levels.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
304112	16 U.S.C. 470v–2.	Pub. L. 89–665, title II, § 216, as added Pub. L. 109–453, § 1(g), Dec. 22, 2006, 120 Stat. 3368.

SUBDIVISION 4—OTHER ORGANIZATIONS AND PROGRAMS

CHAPTER 3051—HISTORIC LIGHT STATION PRESERVATION

Sec.
305101. Definitions.
305102. Duties of Secretary in providing a national historic light station program.
305103. Selection of eligible entity and conveyance of historic light stations.
305104. Terms of conveyance.
305105. Description of property.
305106. Historic light station sales.

§ 305101. Definitions

In this chapter:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which a historic light station is located, the local government of the community in which a historic light station is located, a nonprofit corporation, an educational agency, or a community development organization that—

(i) has agreed to comply with the conditions set forth in section 305104 of this title and to have the conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in section 305104 of this title.

(3) FEDERAL AID TO NAVIGATION.—

(A) IN GENERAL.—The term ''Federal aid to navigation'' means any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(B) INCLUSIONS.—The term ''Federal aid to navigation'' includes a light, lens, lantern, antenna, sound signal, camera, sensor, piece of electronic navigation equipment, power source, or other piece of equipment associated with a device described in subparagraph (A).

(4) HISTORIC LIGHT STATION.—The term ''historic light station'' includes the light tower, lighthouse, keeper's dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated with a historic light station that is a historic property.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3215.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305101	16 U.S.C. 470w–7(e).	Pub. L. 89–665, title III, § 308(e), as added Pub. L. 106–355, § 2, Oct. 24, 2000, 114 Stat. 1388.

The text of 16 U.S.C. 470w–7(e)(5) is omitted as unnecessary.

In paragraph (3)(A), the words ''that is a historic property'' are substituted for ''provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places'' because of the definition of ''historic property'' in section 300308 of the new title.

§ 305102. Duties of Secretary in providing a national historic light station program

To provide a national historic light station program, the Secretary shall—

(1) collect and disseminate information concerning historic light stations;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this chapter regarding the conveyance of historic light stations.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305102	16 U.S.C. 470w–7(a).	Pub. L. 89–665, title III, § 308(a), as added Pub. L. 106–355, § 2, Oct. 24, 2000, 114 Stat. 1385.

§ 305103. Selection of eligible entity and conveyance of historic light stations

(a) PROCESS AND POLICIES.—The Secretary and the Administrator shall maintain a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of the light station by the eligible entity.

(b) APPLICATION REVIEW.—

(1) IN GENERAL.—The Secretary shall—

(A) review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be excess property (as that term is defined in section 102 of title 40); and

(B) forward to the Administrator a single approved application for the conveyance of the historic light station.

(2) CONSULTATION.—When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(c) CONVEYANCE OR SALE OF HISTORIC LIGHT STATIONS.—

(1) CONVEYANCE BY ADMINISTRATOR.—Except as provided in paragraph (2), after the Secretary's selection of an eligible entity, the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to a historic light station, subject to the conditions set forth in section 305104 of this title. The conveyance of a historic light station under this chapter shall not be subject to the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383, 14 U.S.C. 93 note).

(2) HISTORIC LIGHT STATION LOCATED WITHIN A SYSTEM UNIT OR A REFUGE WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—

(A) APPROVAL OF SECRETARY REQUIRED.—A historic light station located within the exterior boundaries of a System unit or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(B) CONDITIONS OF CONVEYANCE.—If the Secretary approves the conveyance of a historic light station described in subparagraph (A), the conveyance shall be subject to the conditions set forth in section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(C) CONDITIONS OF SALE.—If the Secretary approves the sale of a historic light station described in subparagraph (A), the sale shall be subject to the conditions set forth in paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title and any other terms or conditions that the Secretary considers necessary to protect the resources of the System unit or wildlife refuge.

(D) COOPERATIVE AGREEMENTS.—The Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities with respect to historic light stations described in subparagraph (A), as provided in this division, to the extent that the cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the System unit or wildlife refuge.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305103	16 U.S.C. 470w–7(b).	Pub. L. 89–665, title III, § 308(b), as added Pub. L. 106–355, § 2, Oct. 24, 2000, 114 Stat. 1385; Pub. L. 106–400, § 2, Oct. 30, 2000, 114 Stat. 1675.

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (c)(1), is Pub. L. 100–77, July 22, 1987, 101 Stat. 482, which is classified principally to chapter 119 (§ 11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

§ 305104. Terms of conveyance

(a) IN GENERAL.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, that the Administrator considers necessary to ensure that—

(1) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(2) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(3) the eligible entity to which the historic light station is conveyed shall not interfere or allow interference in any manner with any Federal aid to navigation or hinder activities required for the operation and maintenance of any Federal aid to navigation without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(4)(A) the eligible entity to which the historic light station is conveyed shall, at its own cost and expense, use and maintain the historic light station in accordance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws; and

(B) any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations and the Secretary's Standards for Rehabilitation contained in section 67.7 of title 36, Code of Federal Regulations;

(5) the eligible entity to which the historic light station is conveyed shall make the historic light station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(6) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part of the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, unless the sale, conveyance, assignment, exchange, or encumbrance is approved by the Secretary;

(7) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activity at the historic light station, at any part of the historic light station, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless the commercial activity is approved by the Secretary; and

(8) the United States shall have the right, at any time, to enter the historic light station without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(b) MAINTENANCE OF AID TO NAVIGATION.—Any eligible entity to which a historic light station is conveyed shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aid to navigation permitted to the eligible entity under section 83 of title 14.

(c) REVERSION.—In addition to any term or condition established pursuant to this section, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including any lens or lantern, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions that shall be set forth in the eligible entity's application;

(2) the historic light station or any part of the historic light station ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(3) the historic light station, any part of the historic light station, or any associated historic artifact ceases to be maintained in compliance with this division, the Secretary of the Interior's Standards for the Treatment of Historic Properties contained in part 68 of title 36, Code of Federal Regulations, and other applicable laws;

(4) the eligible entity to which the historic light station is conveyed sells, conveys, assigns, exchanges, or encumbers the historic light station, any part of the historic light fixture, or any associated historic artifact, without approval of the Secretary;

(5) the eligible entity to which the historic light station is conveyed conducts any commercial activity at the historic light station, at any part of the historic light station, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(6) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part of the historic light station is needed for national security purposes.

(d) LIGHT STATIONS ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—On receiving notice of an executed or intended conveyance by an owner that received from the Federal Government under authority other than this division a historic light station in which the United States retains a reversionary or other interest and that is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is capable of or is complying with any and all conditions of the original conveyance. The Secretary may require the parties to the conveyance and relevant Federal agencies to provide information as is necessary to complete the review. If the Secretary determines that the new owner has not complied or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take other action as may be necessary to protect the interests of the United States.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3217.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305104	16 U.S.C. 470w–7(c)(1) through (3).	Pub. L. 89–665, title III, § 308(c)(1) through (3), as added Pub. L. 106–355, § 2, Oct. 24, 2000, 114 Stat. 1386.
	16 U.S.C. 470w–7(c)(4).	Pub. L. 89–665, title III, § 308(c)(4), as added Pub. L. 108–293, title VI, § 627, Aug. 9, 2004, 118 Stat. 1066.

§ 305105. Description of property

(a) IN GENERAL.—The Administrator shall prepare the legal description of any historic light station conveyed under this chapter. The Administrator, in consultation with the Secretary of Homeland Security and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the historic light station at the time of conveyance. Wherever possible, the historical artifacts should be used in interpreting the historic light station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the historic light station, if they meet loan requirements.

(b) ARTIFACTS.—Artifacts associated with, but not located at, a historic light station at the time of conveyance shall remain the property of the United States under the administrative control of the Secretary of Homeland Security.

(c) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(d) SUBMERGED LAND.—No submerged land shall be conveyed under this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3219.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305105	16 U.S.C. 470w–7(d).	Pub. L. 89–665, title III, § 308(d), as added Pub. L. 106–355, § 2, Oct. 24, 2000, 114 Stat. 1388.

In subsection (a), the words ''Secretary of Homeland Security'' are substituted for ''Commandant, United States Coast Guard'' because of 6 U.S.C. 112(a)(2), 468(b) and (h), 551(d), and 552(d) and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108–16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

§ 305106. Historic light station sales

(a) IN GENERAL.—

(1) WHEN SALE MAY OCCUR.—If no applicant is approved for the conveyance of a historic light station pursuant to sections 305101 through 305105 of this title, the historic light station shall be offered for sale.

(2) TERMS OF SALE.—Terms of the sales—

(A) shall be developed by the Administrator; and

(B) shall be consistent with the requirements of paragraphs (1) to (4) and (8) of subsection (a), and subsection (b), of section 305104 of this title.

(3) COVENANTS TO BE INCLUDED IN CONVEYANCE DOCUMENTS.—Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) NET SALE PROCEEDS.—

(1) DISPOSITION AND USE OF FUNDS.—Net sale proceeds from the disposal of a historic light station—

(A) located on public domain land shall be transferred to the National Maritime Heritage Grants Program established under chapter 3087 in the Department of the Interior; and

(B) under the administrative control of the Secretary of Homeland Security—

(i) shall be credited to the Coast Guard's Operating Expenses appropriation account; and

(ii) shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Secretary of Homeland Security.

(2) AVAILABILITY OF FUNDS.—The funds referred to in paragraph (1)(B) shall remain available until expended and shall be available in addition to funds available in the Coast Guard's Operating Expense appropriation for that purpose.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3220.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305106	16 U.S.C. 470w–8.	Pub. L. 89–665, title III, § 309, as added Pub. L. 106–355, § 3, Oct. 24, 2000, 114 Stat. 1389.

In subsection (b)(1)(B), the words ''Secretary of Homeland Security'' are substituted for ''Coast Guard'' because of 6 U.S.C. 112(a)(2), 468(b) and (h), 551(d), and 552(d) and the Department of Homeland Security Reorganization Plan of November 25, 2002 (H. Doc. No. 108–16, 108th Cong., 1st Sess. (6 U.S.C. 542 note)).

CHAPTER 3053—NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING

Sec.
305301. Definitions.
305302. National Center for Preservation Technology and Training.
305303. Preservation Technology and Training Board.
305304. Preservation grants.
305305. General provisions.
305306. Service preservation centers and offices.

§ 305301. Definitions

In this chapter:

(1) BOARD.—The term ''Board'' means the Preservation Technology and Training Board established pursuant to section 305303 of this title.

(2) CENTER.—The term ''Center'' means the National Center for Preservation Technology and Training established pursuant to section 305302 of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3220.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305301	16 U.S.C. 470x–1.	Pub. L. 89–665, title IV, § 402, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766.

§ 305302. National Center for Preservation Technology and Training

(a) ESTABLISHMENT.—There is established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) PURPOSES.—The purposes of the Center shall be to—

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of historic property;

(2) develop and facilitate training for Federal, State, and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and

local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) PROGRAMS.—The purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 305304 of this title.

(d) EXECUTIVE DIRECTOR.—The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) ASSISTANCE FROM SECRETARY.—The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3221.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305302	16 U.S.C. 470x–2.	Pub. L. 89–665, title IV, § 403, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766.

§ 305303. Preservation Technology and Training Board

(a) ESTABLISHMENT.—There is established a Preservation Technology and Training Board.

(b) DUTIES.—The Board shall—

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and Congress.

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary;

(2) 6 members appointed by the Secretary, who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications, who represent major organizations in the fields of archeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3221.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305303	16 U.S.C. 470x–3.	Pub. L. 89–665, title IV, § 404, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4766; Pub. L. 106–208, § 5(a)(14), May 26, 2000, 114 Stat. 319.

In subsection (c)(1), the words ''or the Secretary's designee'' are omitted as unnecessary because of section 2 of Reorganization Plan No. 3 of 1950 (5 U.S.C. App., 43 U.S.C. 1451 note).

§ 305304. Preservation grants

(a) IN GENERAL.—The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution, and skills training in all the related historic preservation fields.

(b) GRANT REQUIREMENTS.—

(1) ALLOCATION.—Grants provided under this section shall be allocated in such a fashion as to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) LIMIT ON AMOUNT A RECIPIENT MAY RECEIVE.—No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) LIMIT ON ADMINISTRATIVE COSTS.—The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) ELIGIBLE APPLICANTS.—Eligible applicants may include—

(1) Federal and non-Federal laboratories;

(2) accredited museums;

(3) universities;

(4) nonprofit organizations;

(5) System units and offices and Cooperative Park Study Units of the System;

(6) State Historic Preservation Offices;

(7) tribal preservation offices; and

(8) Native Hawaiian organizations.

(d) STANDARDS AND METHODS.—Grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3222.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305304	16 U.S.C. 470x–4.	Pub. L. 89–665, title IV, § 405, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4767.

The text of 16 U.S.C. 470x–4(e) is omitted as unnecessary.

§ 305305. General provisions

(a) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) CONTRACTS AND COOPERATIVE AGREEMENTS.—Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal gov-

ernments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this chapter.

(c) ADDITIONAL FUNDS.—Funds appropriated for the Center shall be in addition to funds appropriated for Service programs, centers, and offices in existence on October 30, 1992.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3222.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305305	16 U.S.C. 470x–5.	Pub. L. 89–665, title IV, § 406, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4767.

In subsection (c), the text of 16 U.S.C. 470x–5(c) (1st sentence) is omitted as unnecessary.

§ 305306. Service preservation centers and offices

To improve the use of existing Service resources, the Secretary shall fully utilize and further develop the Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of the centers and offices within the Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3222.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305306	16 U.S.C. 470x–6.	Pub. L. 89–665, title IV, § 407, as added Pub. L. 102–575, title XL, § 4022, Oct. 30, 1992, 106 Stat. 4768.

CHAPTER 3055—NATIONAL BUILDING MUSEUM

Sec.
305501. Definitions.
305502. Cooperative agreement to operate museum.
305503. Activities and functions.
305504. Matching grants to Committee.
305505. Annual report.

§ 305501. Definitions

In this chapter:

(1) BUILDING ARTS.—The term ''building arts'' includes all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

(2) COMMITTEE.—The term ''Committee'' means 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3223.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305501	16 U.S.C. 470w–5(f).	Pub. L. 89–665, title III, § 306(f), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3003.

§ 305502. Cooperative agreement to operate museum

To provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building that exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of General Services shall enter into a cooperative agreement with the Committee for the operation of a National Building Museum 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. The cooperative agreement shall include provisions that—

(1) make the site available to the Committee without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial, and other services as may be necessary to ensure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3223.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305502	16 U.S.C. 470w–5(a) (1st sentence), (b).	Pub. L. 89–665, title III, § 306(a) (1st sentence), (b), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002, 3003.

The words ''Administrator of General Services'' are substituted for ''Administrator of the General Services Administration'' to use the correct title of the Administrator.

§ 305503. Activities and functions

The National Building 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3223.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305503	16 U.S.C. 470w–5(a) (last sentence).	Pub. L. 89–665, title III, § 306(a) (last sentence), (b), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3003.

§ 305504. Matching grants to Committee

The Secretary shall provide matching grants to the Committee for its programs related to historic preservation. The Committee shall match the grants in such a manner and with such funds and services as shall be satisfactory to the Secretary, except that not more than $500,000 may be provided to the Committee in any one fiscal year.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305504	16 U.S.C. 470w–5(c).	Pub. L. 89–665, title III, § 306(c), Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3003.

The word ''grant'' is substituted for ''grants-in-aid'' for clarity and consistency in the revised division. See page 48 of H. Rept. 96–1457 (96th Cong., 2d Sess., 1980).

§ 305505. Annual report

The Committee shall submit an annual report to the Secretary and the Administrator of General Services concerning its activities under this chapter and shall provide the Secretary and the Administrator of General Services with such other information as the Secretary may consider necessary or advisable.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
305505	16 U.S.C. 470w–5(e).	Pub. L. 89–665, title III, § 306(e), as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3003.

SUBDIVISION 5—FEDERAL AGENCY HISTORIC PRESERVATION RESPONSIBILITIES

CHAPTER 3061—PROGRAM RESPONSIBILITIES AND AUTHORITIES

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306102. Preservation program.
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306104. Agency Preservation Officer.
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306121. Lease or exchange.
306122. Contracts for management of historic property.

SUBCHAPTER III—PROTECTION AND PRESERVATION OF RESOURCES

306131. Standards and guidelines.

SUBCHAPTER I—IN GENERAL

§ 306101. Assumption of responsibility for preservation of historic property

(a) IN GENERAL.—

(1) AGENCY HEAD RESPONSIBILITY.—The head of each Federal agency shall assume responsibility for the preservation of historic property that is owned or controlled by the agency.

(2) USE OF AVAILABLE HISTORIC PROPERTY.—Prior to acquiring, constructing, or leasing a building for purposes of carrying out agency responsibilities, a Federal agency shall use, to the maximum extent feasible, historic property available to the agency, in accordance with Executive Order No. 13006 (40 U.S.C. 3306 note).

(3) NECESSARY PRESERVATION.—Each Federal agency shall undertake, consistent with the preservation of historic property, the mission of the agency, and the professional standards established pursuant to subsection (c), any preservation as may be necessary to carry out this chapter.

(b) GUIDELINES FOR FEDERAL AGENCY RESPONSIBILITY FOR AGENCY-OWNED HISTORIC PROPERTY.—In consultation with the Council, the Secretary shall promulgate guidelines for Federal agency responsibilities under this subchapter (except section 306108).

(c) PROFESSIONAL STANDARDS FOR PRESERVATION OF FEDERALLY OWNED OR CONTROLLED HISTORIC PROPERTY.—The Secretary shall establish, in consultation with the Secretary of Agriculture, the Secretary of Defense, the Smithsonian Institution, and the Administrator of General Services, professional standards for the preservation of historic property in Federal ownership or control.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306101(a)	16 U.S.C. 470h–2(a)(1).	Pub. L. 89–665, title I, § 110(a)(1), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996; Pub. L. 102–575, title XL, § 4012(1), Oct. 30, 1992, 106 Stat. 4760; Pub. L. 106–208, § 4, May 26, 2000, 114 Stat. 318.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306101(b)	16 U.S.C. 470a(g).	Pub. L. 89–665, title I, §101(g), (h), formerly §101(f), (g), Oct. 15, 1966, 80 Stat. 915; Pub. L. 91–383, §11, as added Pub. L. 94–458, §2, Oct. 7, 1976, 90 Stat. 1942; Pub. L. 93–54, §1(d), July 1, 1973, 87 Stat. 139; Pub. L. 96–205, title VI, §608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96–515, title II, §201(a), Dec. 12, 1980, 94 Stat. 2992; redesignated as §101(g), (h), Pub. L. 102–575, title XL, §4006(a)(1), Oct. 30, 1992, 106 Stat. 4758.
306101(c)	16 U.S.C. 470a(h).	

In subsection (a)(3), the cross reference is treated as a cross reference to 16 U.S.C. 470a(h), restated as subsection (c) of this section, rather than 16 U.S.C. 470a(g), restated as subsection (b) of this section, to correct an error in the source provision.

In subsection (c), the words ''Administrator of General Services'' are substituted for ''Administrator of the General Services Administration'' to use the correct title of the Administrator.

EX. ORD. NO. 13287. PRESERVE AMERICA

Ex. Ord. No. 13287, Mar. 3, 2003, 68 F.R. 10635, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act ([former] 16 U.S.C. 470 *et seq.*) [see 54 U.S.C. 300301 et seq.] (NHPA) and the National Environmental Policy Act [of 1969] (42 U.S.C. 4321 *et seq.*), it is hereby ordered:

SECTION 1. *Statement of Policy*. It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies (''agency'' or ''agencies'') shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

SEC. 2. *Building Preservation Partnerships*. When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

SEC. 3. *Improving Federal Agency Planning and Accountability*. (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA ([former] 16 U.S.C. 470h–2(a)(2)) [see 54 U.S.C. 306102], the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA [former] (16 U.S.C. 470h–2 & 470[h]–3 [see 54 U.S.C. 306101 to 306107, 306109 to 306114, 306121, 306122]) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)–(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA [see 54 U.S.C. 306104]. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

SEC. 4. *Improving Federal Stewardship of Historic Properties*. (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

SEC. 5. *Promoting Preservation Through Heritage Tourism.*

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

SEC. 6. *National and Homeland Security Considerations.* Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

SEC. 7. *Definitions.* For the purposes of this order, the term ''historic property'' means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA ([former] 16 U.S.C. 470w(5)) [see 54 U.S.C. 300308]. The term ''heritage tourism'' means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms ''Federally owned'' and ''in Federal ownership,'' and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

SEC. 8. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

GEORGE W. BUSH.

§ 306102. Preservation program

(a) ESTABLISHMENT.—Each Federal agency shall establish (except for programs or undertakings exempted pursuant to section 304108(c) of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register, and protection, of historic property.

(b) REQUIREMENTS.—The program shall ensure that—

(1) historic property under the jurisdiction or control of the agency is identified, evaluated, and nominated to the National Register;

(2) historic property under the jurisdiction or control of the agency is managed and maintained in a way that considers the preservation of their historic, archeological, architectural, and cultural values in compliance with section 306108 of this title and gives special consideration to the preservation of those values in the case of property designated as having national significance;

(3) the preservation of property not under the jurisdiction or control of the agency but potentially affected by agency actions is given full consideration in planning;

(4) the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency's procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3225.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306102	16 U.S.C. 470h–2(a)(2).	Pub. L. 89–665, title I, § 110(a)(2), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996; Pub. L. 102–575, title XL, § 4012(2), Oct. 30, 1992, 106 Stat. 4760.

In subsection (a), the words ''except for programs and undertakings exempted'' are substituted for ''unless exempted'' for clarity.

In subsection (b)(2), the words ''as are listed in or may be eligible for the National Register'' are omitted as unnecessary because of the definition of ''historic property'' in section 300308 of the new title.

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306103	16 U.S.C. 470h–2(b).	Pub. L. 89–665, title I, § 110(b), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency's Preservation Officer who shall be responsible for coordinating the agency's activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306104	16 U.S.C. 470h–2(c).	Pub. L. 89–665, title I, § 110(c), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996; Pub. L. 102–575, title XL, § 4006(b), Oct. 30, 1992, 106 Stat. 4757.

§ 306105. Agency programs and projects

Consistent with the agency's missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306105	16 U.S.C. 470h–2(d).	Pub. L. 89–665, title I, § 110(d), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306106	16 U.S.C. 470h–2(e).	Pub. L. 89–665, title I, § 110(e), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306107	16 U.S.C. 470h–2(f).	Pub. L. 89–665, title I, § 110(f), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996.

§ 306108. Effect of undertaking on historic property

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306108	16 U.S.C. 470f.	Pub. L. 89–665, title I, § 106, Oct. 15, 1966, 80 Stat. 917; Pub. L. 94–422, title II, § 201(3), Sept. 28, 1976, 90 Stat. 1320.

The words ''historic property'' are substituted for ''district, site, building, structure, or object that is included in or eligible for inclusion in the National Register'' because of the definition of ''historic property'' in section 300308 of the new title.

§ 306109. Costs of preservation as eligible project costs

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306109	16 U.S.C. 470h–2(g).	Pub. L. 89–665, title I, § 110(g), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2996.

§ 306110. Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed $1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306110	16 U.S.C. 470h–2(h).	Pub. L. 89–665, title I, § 110(h), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2997.

The words ''historic property'' are substituted for ''historic resources'' for consistency because the defined term in the new division is ''historic property''.

§ 306111. Environmental impact statement

Nothing in this division shall be construed to—

(1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306111	16 U.S.C. 470h–2(i).	Pub. L. 89–665, title I, § 110(i), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2997.

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306112	16 U.S.C. 470h–2(j).	Pub. L. 89–665, title I, § 110(j), as added Pub. L. 96–515, title II, § 206, Dec. 12, 1980, 94 Stat. 2997.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306113	16 U.S.C. 470h–2(k).	Pub. L. 89–665, title I, § 110(k), as added Pub. L. 102–575, title XL, § 4012(3), Oct. 30, 1992, 106 Stat. 4760.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306114	16 U.S.C. 470h–2(*l*).	Pub. L. 89–665, title I, § 110(*l*), as added Pub. L. 102–575, title XL, § 4012(3), Oct. 30, 1992, 106 Stat. 4761; Pub. L. 106–208, § 5(a)(8), May 26, 2000, 114 Stat. 319.

The words ''historic property'' are substituted for ''property included in or eligible for inclusion in the National Register'' because of the definition of ''historic property'' in section 300308 of the new title. The words ''to document a decision pursuant to this section'' are substituted for ''pursuant to such section'' for clarity. The language was not intended to limit agency authority to delegate responsibilities under section 106 of the National Historic Preservation Act (Public Law 89–665, 80 Stat. 917). The words ''agreement pursuant to regulations issued by the Council'' are substituted for ''a section 106 memorandum'', and the word ''agreement'' is substituted for ''memorandum'', for clarity and for consistency in the new section.

SUBCHAPTER II—LEASE, EXCHANGE, OR MANAGEMENT OF HISTORIC PROPERTY

§ 306121. Lease or exchange

(a) AUTHORITY TO LEASE OR EXCHANGE.—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) PROCEEDS OF LEASE.—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306121(a)	16 U.S.C. 470h–3(a).	Pub. L. 89–665, title I, § 111(a), as added Pub. L. 96–515, title II, § 207, Dec. 12, 1980, 94 Stat. 2997; Pub. L. 102–575, title XL, § 4013, Oct. 30, 1992, 106 Stat. 4761.
306121(b)	16 U.S.C. 470h–3(b).	Pub. L. 89–665, title I, § 111(b), as added Pub. L. 96–515, title II, § 207, Dec. 12, 1980, 94 Stat. 2997.

HISTORIC LEASE PROCESS SIMPLIFICATION

Pub. L. 105–391, title VIII, § 802(b), Nov. 13, 1998, 112 Stat. 3523, provided that: ''The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.''

[For ''Secretary'' as used in section 802(b) of Pub. L. 105–391, set out above, as meaning the Secretary of the Interior, see section 2 of Pub. L. 105–391, Nov. 13, 1998, 112 Stat. 3498, which was classified to section 5901 of Title 16, Conservation, prior to repeal by Pub. L. 113–287.]

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306122	16 U.S.C. 470h–3(c).	Pub. L. 89–665, title I, § 111(c), as added Pub. L. 96–515, title II, § 207, Dec. 12, 1980, 94 Stat. 2997.

SUBCHAPTER III—PROTECTION AND PRESERVATION OF RESOURCES

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Personnel Management shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3229; Pub. L. 114–289, title VI, § 601(f), Dec. 16, 2016, 130 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
306131	16 U.S.C. 470h–4.	Pub. L. 89–665, title I, § 112, as added Pub. L. 102–575, title XL, § 4014, Oct. 30, 1992, 106 Stat. 4761; Pub. L. 106–208, § 5(a)(9), May 26, 2000, 114 Stat. 319.

In subparagraphs (A) and (B) of subsection (a)(1), the words ''the disciplines involved, specifically'' are omitted as unnecessary.

In subsection (a)(3), the words ''within 2 years after October 20, 1992'' are omitted as obsolete.

In subsection (b)(1), the word ''property'' is substituted for ''resources'' for consistency because the defined term in the new division is ''property''.

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114–289 substituted ''Office of Personnel Management'' for ''Office of Management and Budget''.

SUBDIVISION 6—MISCELLANEOUS

CHAPTER 3071—MISCELLANEOUS

Sec.
307101. World Heritage Convention.
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§ 307101. World Heritage Convention

(a) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(c) NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) CONSIDERATION OF UNDERTAKING ON PROPERTY.—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3230.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307101(a)	no source.	
307101(b) through (d).	16 U.S.C. 470a–1.	Pub. 96–515, title IV, § 401, Dec. 12, 1980, 94 Stat. 3000; Pub. L. 103–437, § 6(d)(28), Nov. 2, 1994, 108 Stat. 4584.
307101(e)	16 U.S.C. 470a–2.	Pub. L. 96–515, title IV, § 402, Dec. 12, 1980, 94 Stat. 3000.

Subsection (a) is added for clarity because of the definition of ''Secretary'' in section 300316 of the new title.

§ 307102. Effective date of regulations

(a) PUBLICATION IN FEDERAL REGISTER.—No final regulation of the Secretary shall become effective prior to the expiration of 30 calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) DISAPPROVAL OF REGULATION BY RESOLUTION OF CONGRESS.—The regulation shall not become effective if, within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: ''That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on ,'' the blank spaces in the resolution being appropriately filled.

(c) FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.—If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) SESSIONS OF CONGRESS.—For purposes of this section—

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of 60 and 90 calendar days of continuous session of Congress.

(e) CONGRESSIONAL INACTION OR REJECTION OF RESOLUTION OF DISAPPROVAL NOT DEEMED APPROVAL OF REGULATION.—Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of the regulation.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3231.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307102	16 U.S.C. 470w–6.	Pub. L. 89–665, title III, § 307, as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3004; Pub. L. 103–437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(O), (2)(E), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106–176, title I, § 120(a)(2), Mar. 10, 2000, 114 Stat. 28; Pub. L. 106–208, § 5(a)(11)–(13), May 26, 2000, 114 Stat. 319.

§ 307103. 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 division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

(1) cause a significant invasion of privacy;

(2) risk harm to the historic property; 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 determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) CONSULTATION WITH COUNCIL.—When information described in subsection (a) has been developed in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3231.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307103	16 U.S.C. 470w–3.	Pub. L. 89–665, title III, § 304, as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002; Pub. L. 102–575, title XL, § 4020, Oct. 30, 1992, 106 Stat. 4765.

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307104	16 U.S.C. 470g.	Pub. L. 89–665, title I, § 107, Oct. 15, 1966, 80 Stat. 915.

§ 307105. Attorney's 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 this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307105	16 U.S.C. 470w–4.	Pub. L. 89–665, title III, § 305, as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307106. Authorization for expenditure of appropriated funds

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

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307106	16 U.S.C. 470w–1.	Pub. L. 89–665, title III, § 302, as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division 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. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307107	16 U.S.C. 470w–2.	Pub. L. 89–665, title III, § 303, as added Pub. L. 96–515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) CONSIDERATION OF FACTORS RESPECTING EXPENDITURE OF FUNDS.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

(A) the national significance of the project;

(B) its historical value to the community;

(C) the imminence of its destruction or loss; and

(D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
307108	16 U.S.C. 470h–1.	Pub. L. 89–665, title I, § 109, as added Pub. L. 96–244, § 1, May 19, 1980, 94 Stat. 346.

In subsection (a), the word ''included'' is substituted for ''listed'' for consistency in the revised subtitle.

DIVISION B—ORGANIZATIONS AND PROGRAMS

SUBDIVISION 1—ADMINISTERED BY NATIONAL PARK SERVICE

CHAPTER 3081—AMERICAN BATTLEFIELD PROTECTION PROGRAM

Sec.
308101. Definition.
308102. Preservation assistance.
308103. Battlefield acquisition grant program.

§ 308101. Definition

In this chapter, the term ''Secretary'' means the Secretary, acting through the American Battlefield Protection Program.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
308101	16 U.S.C. 469k–1(c)(1)(D).	Pub. L. 111–11, title VII, subtitle D, § 7301(c)(1)(D), Mar. 30, 2009, 123 Stat. 1213.

PURPOSE

Pub. L. 111–11, title VII, § 7301(a), Mar. 30, 2009, 123 Stat. 1213, provided that: ''The purpose of this section