

**§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

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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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 300306, no source.