

HISTORICAL AND REVISION NOTES

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

ipal 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.)

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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.

Editorial Notes

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