

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.)

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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 OCCUR<sup>1</sup>.—Periodically, but not less than every 4 years after

<sup>1</sup> So in original. Probably should be “OCCUR”.

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.

(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 orga-