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§ 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 general¹.—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;

(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 car-

¹ So in original. Probably should be “IN GENERAL”.

rying 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

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

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

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