

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

HISTORICAL AND REVISION NOTES

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

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**§ 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 in-

terests 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

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

**Editorial Notes**

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

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

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