

(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.

§ 304104. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 304101(a) of this title shall serve without additional compensation. The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3211; Pub. L. 114-289, title V, § 501(c)(2), Dec. 16, 2016, 130 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304104	16 U.S.C. 470l.	Pub. L. 89-665, title II, § 204, Oct. 15, 1966, 80 Stat. 918; Pub. L. 91-243, § 1(f), May 9, 1970, 84 Stat. 204; Pub. L. 94-422, title II, § 201(6), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96-515, title III, § 301(h), Dec. 12, 1980, 94 Stat. 2999.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-289 inserted “The Chairman of the Council shall be compensated as provided in subsection (e) of section 304101.” after “without additional compensation.”

§ 304105. Administration

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Council who shall be appointed by the Chairman with the concurrence of the Council in the competitive service at a rate within the General Schedule, in the competitive service at a rate that may exceed the rate prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5, or in the Senior Executive Service under section 3393 of title 5. The Executive Director shall report directly to the Chairman and perform such functions and duties as the Chairman may prescribe.

(b) GENERAL COUNSEL AND APPOINTMENT OF OTHER ATTORNEYS.—

(1) GENERAL COUNSEL.—The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council’s legal advisor.

(2) APPOINTMENT OF OTHER ATTORNEYS.—The Executive Director shall appoint other attorneys as may be necessary to—

(A) assist the General Counsel;

(B) represent the Council in court when appropriate, including enforcement of agreements with Federal agencies to which the Council is a party;

(C) assist the Department of Justice in handling litigation concerning the Council in court; and

(D) perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) APPOINTMENT AND COMPENSATION OF OFFICERS AND EMPLOYEES.—The Executive Director of the Council may appoint and fix the compensation of officers and employees in the competitive service who are necessary to perform the functions of the Council at rates not to exceed that prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5. The Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed 5 employees in the competitive service at rates that exceed that prescribed for the highest rate established for grade 15 of the General Schedule under section 5332 of title 5 or in the Senior Executive Service under section 3393 of title 5.

(d) APPOINTMENT AND COMPENSATION OF ADDITIONAL PERSONNEL.—The Executive Director may appoint and fix the compensation of such additional personnel as may be necessary to carry out the Council’s duties, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5.

(e) EXPERT AND CONSULTANT SERVICES.—The Executive Director may procure expert and consultant services in accordance with section 3109 of title 5.

(f) FINANCIAL AND ADMINISTRATIVE SERVICES.—

(1) SERVICES TO BE PROVIDED BY SECRETARY, AGENCY, OR PRIVATE ENTITY.—Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Secretary or, at the discretion of the Council, another agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed on by the Chairman of the Council and the head of the agency or the authorized representative of the private entity that will provide the services.

(2) FEDERAL AGENCY REGULATIONS RELATING TO COLLECTION APPLY.—When a Federal agency affords those services, the regulations of that agency under section 5514(b) of title 5 for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of that agency under sections 1513(d) and 1514 of title 31 for the administrative control of funds shall apply to appropriations of the Council. The Council shall not be required to prescribe those regulations.

(g) FUNDS, PERSONNEL, FACILITIES, AND SERVICES.—

(1) PROVIDED BY FEDERAL AGENCY.—Any Federal agency may provide the Council, with or without reimbursement as may be agreed on by the Chairman and the agency, with such funds, personnel, facilities, and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that the funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection shall be obligated by the end of the fiscal year following the fiscal year in which the funds are received by the Council.