

§ 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.

(2) OBTAINING ADDITIONAL PROPERTY, FACILITIES, AND SERVICES AND RECEIVING DONATIONS OF MONEY.—To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise additional property, facilities, and services as may be needed to carry out its duties and may receive donations of money for that purpose. The Executive Director may accept, hold, use, expend, and administer the property, facilities, services, and money for the purposes of this division.

(h) RIGHTS, BENEFITS, AND PRIVILEGES OF TRANSFERRED EMPLOYEES.—Any employee in the competitive service of the United States transferred to the Council under section 207 of the National Historic Preservation Act (Public Law 89-665) retains all the rights, benefits, and privileges pertaining to the competitive service held prior to the transfer.

(i) EXEMPTION FROM CHAPTER 10 OF TITLE 5.—The Council is exempt from chapter 10 of title 5.

(j) PROVISIONS THAT GOVERN OPERATIONS OF COUNCIL.—Subchapter II of chapter 5 and chapter 7 of title 5 shall govern the operations of the Council.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3211; Pub. L. 114-289, title V, § 501(c)(3), Dec. 16, 2016, 130 Stat. 1490; Pub. L. 117-286, § 4(a)(331), Dec. 27, 2022, 136 Stat. 4342.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304105(a) through (g).	16 U.S.C. 470m.	Pub. L. 89-665, title II, § 205, Oct. 15, 1966, 80 Stat. 919; Pub. L. 91-243, § 1(g), May 9, 1970, 84 Stat. 204; Pub. L. 94-422, title II, § 201(7), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96-515, title III, § 301(i), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 104-333, div. I, title V, § 509(c)(4), Nov. 12, 1996, 110 Stat. 4158; Pub. L. 106-176, title I, § 109, Mar. 10, 2000, 114 Stat. 26; Pub. L. 109-453, § 1(e), Dec. 22, 2006, 120 Stat. 3367.
304105(h)	16 U.S.C. 470p.	Pub. L. 89-665, title II, §§ 208, 209, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322.
304105(i), (j)	16 U.S.C. 470q.	

In subsection (a), the words “at a rate within the Executive Schedule” are added to retain the ability to hire an Executive Director within the General Schedule. The words “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” are added for consistency with the intent of the source provision language as it existed in 1966, which included all Federal employees. The language is updated to reflect the existence of the Senior Executive Service and senior level employees above grade 15.

In subsection (c), the words “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” are substituted for “not to exceed that now or hereafter prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of title 5” for consistency with the intent of the source provision language as it existed in 1966, which included all Federal employees. The language is updated to reflect the ex-

istence of the Senior Executive Service and senior level employees above grade 15.

In subsection (d), the words “chapter 51 and subchapter III of chapter 53 of title 5” are substituted for “the Classification Act of 1949” because of section 7(b) of the Act of September 6, 1966 (Public Law 89-554, 80 Stat. 631), the 1st section of which enacted Title 5, United States Code.

In subsection (f)(1), the word “Secretary” is substituted for “Department of the Interior” because of 43 U.S.C. 1451.

Editorial Notes

REFERENCES IN TEXT

Section 207 of the National Historic Preservation Act, referred to in subsec. (h), is section 207 of Pub. L. 89-665, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322, which related to transfer of personnel and property by Department of the Interior to Advisory Council on Historic Preservation and was classified to section 470o of Title 16, Conservation, prior to repeal by Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272.

AMENDMENTS

2022—Subsec. (i). Pub. L. 117-286 substituted “Chapter 10 of Title 5” for “Federal Advisory Committee Act” in heading and “chapter 10 of title 5.” for “the Federal Advisory Committee Act (5 U.S.C. App.)” in text.

2016—Subsec. (a). Pub. L. 114-289 substituted “report directly to the Chairman” for “report directly to the Council” and “duties as the Chairman may prescribe” for “duties as the Council may prescribe”.

§ 304106. International Centre for the Study of the Preservation and Restoration of Cultural Property

(a) AUTHORIZATION OF PARTICIPATION.—The participation of the United States as a member in the International Centre for the Study of the Preservation and Restoration of Cultural Property is authorized.

(b) OFFICIAL DELEGATION.—The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation that will participate in the activities of the International Centre for the Study of the Preservation and Restoration of Cultural Property on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to the Secretary of State by the Council.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3213.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304106	16 U.S.C. 470n.	Pub. L. 89-665, title II, § 206, as added Pub. L. 91-243, § 2, May 9, 1970, 84 Stat. 204; Pub. L. 93-54, § 1(b), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, § 201(8), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96-199, title I, § 114, Mar. 5, 1980, 94 Stat. 71; Pub. L. 106-208, § 5(b), May 26, 2000, 114 Stat. 319.

The text of 16 U.S.C. 470n(c) is omitted as obsolete.