

(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.

§ 304107. Transmittal of legislative recommendations, testimony, or comments to any officer or agency of the United States prior to submission to Congress

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304107	16 U.S.C. 470r.	Pub. L. 89-665, title II, § 210, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96-515, title III, § 301(k), Dec. 12, 1980, 94 Stat. 2999.

§ 304108. Regulations, procedures, and guidelines

(a) IN GENERAL.—The Council may promulgate regulations as it considers necessary to govern the implementation of section 306108 of this title in its entirety.

(b) PARTICIPATION BY LOCAL GOVERNMENTS.—The Council shall by regulation establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 306108 of this title that affect the local governments.

(c) EXEMPTION FOR FEDERAL PROGRAMS OR UNDERTAKINGS.—The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this division when the exemption is determined to be consistent with the purposes of this division, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic property.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304108(a), (b).	16 U.S.C. 470s.	Pub. L. 89-665, title II, § 211, as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96-515, title III, § 301(l), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 102-575, title XL, § 4018, Oct. 30, 1992, 106 Stat. 4763.
304108(c)	16 U.S.C. 470v.	Pub. L. 89-665, title II, § 214, as added Pub. L. 96-515, title III, § 302(a), Dec. 12, 1980, 94 Stat. 3000.

§ 304109. Budget submission

(a) TIME AND MANNER OF SUBMISSION.—The Council shall submit its budget annually as a related agency of the Department of the Interior.

(b) TRANSMITTAL OF COPIES TO CONGRESSIONAL COMMITTEES.—Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the Committee on Natural Resources and Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and Committee on Appropriations of the Senate.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304109(a)	16 U.S.C. 470t(a) (1st sentence).	Pub. L. 89-665, title II, § 212(a) (1st sentence), (b), as added Pub. L. 94-422, title II, § 201(9), Sept. 28, 1976, 90 Stat. 1323; Pub. L. 96-205, title VI, § 608(a)(3), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title III, § 302(b), Dec. 12, 1980, 94 Stat. 3000; Pub. L. 103-437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584.
304109(b)	16 U.S.C. 470t(b).	

§ 304110. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this division, the Secretary at the request of the Chairman shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304110	16 U.S.C. 470u.	Pub. L. 89-665, title II, § 213, as added Pub. L. 96-515, title III, § 302(a), Dec. 12, 1980, 94 Stat. 3000.

§ 304111. Reimbursements from State and local agencies

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3214.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
304111	16 U.S.C. 470v-1.	Pub. L. 89-665, title II, § 215, as added Pub. L. 104-333, div. I, title V, § 509(c)(3), Nov. 12, 1996, 110 Stat. 4157.

§ 304112. Effectiveness of Federal grant and assistance programs

(a) COOPERATIVE AGREEMENTS.—The Council may enter into a cooperative agreement with