

potentially affected by agency actions is given full consideration in planning;

(4) the agency’s preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and the private sector; and

(5) the agency’s procedures for compliance with section 306108 of this title—

(A) are consistent with regulations promulgated by the Council pursuant to section 304108(a) and (b) of this title;

(B) provide a process for the identification and evaluation of historic property for listing on the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on historic property will be considered; and

(C) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3225.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306102	16 U.S.C. 470h–2(a)(2).	Pub. L. 89–665, title I, §110(a)(2), as added Pub. L. 96–515, title II, §206, Dec. 12, 1980, 94 Stat. 2996; Pub. L. 102–575, title XL, §4012(2), Oct. 30, 1992, 106 Stat. 4760.

In subsection (a), the words “except for programs and undertakings exempted” are substituted for “unless exempted” for clarity.

In subsection (b)(2), the words “as are listed in or may be eligible for the National Register” are omitted as unnecessary because of the definition of “historic property” in section 300308 of the new title.

§ 306103. Recordation of historic property prior to alteration or demolition

Each Federal agency shall initiate measures to ensure that where, as a result of Federal action or assistance carried out by the agency, a historic property is to be substantially altered or demolished—

(1) timely steps are taken to make or have made appropriate records; and

(2) the records are deposited, in accordance with section 302107 of this title, in the Library of Congress or with such other appropriate agency as the Secretary may designate, for future use and reference.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306103	16 U.S.C. 470h–2(b).	Pub. L. 89–665, title I, §110(b), as added Pub. L. 96–515, title II, §206, Dec. 12, 1980, 94 Stat. 2996.

§ 306104. Agency Preservation Officer

The head of each Federal agency (except an agency that is exempted under section 304108(c) of this title) shall designate a qualified official as the agency’s Preservation Officer who shall be responsible for coordinating the agency’s activities under this division. Each Preservation Officer may, to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 306101(c) of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306104	16 U.S.C. 470h–2(c).	Pub. L. 89–665, title I, §110(c), as added Pub. L. 96–515, title II, §206, Dec. 12, 1980, 94 Stat. 2996; Pub. L. 102–575, title XL, §4006(b), Oct. 30, 1992, 106 Stat. 4757.

§ 306105. Agency programs and projects

Consistent with the agency’s missions and mandates, each Federal agency shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this division and give consideration to programs and projects that will further the purposes of this division.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306105	16 U.S.C. 470h–2(d).	Pub. L. 89–665, title I, §110(d), as added Pub. L. 96–515, title II, §206, Dec. 12, 1980, 94 Stat. 2996.

§ 306106. Review of plans of transferees of surplus federally owned historic property

The Secretary shall review and approve the plans of transferees of surplus federally owned historic property not later than 90 days after receipt of the plans to ensure that the pre-historical, historical, architectural, or culturally significant values will be preserved or enhanced.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3226.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306106	16 U.S.C. 470h–2(e).	Pub. L. 89–665, title I, §110(e), as added Pub. L. 96–515, title II, §206, Dec. 12, 1980, 94 Stat. 2996.

§ 306107. Planning and actions to minimize harm to National Historic Landmarks

Prior to the approval of any Federal undertaking that may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall to the maximum extent possible undertake such planning