

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

and actions as may be necessary to minimize harm to the landmark. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306107 .....	16 U.S.C. 470h-2(f).	Pub. L. 89-665, title I, §110(f), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2996.

**§ 306108. Effect of undertaking on historic property**

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, shall take into account the effect of the undertaking on any historic property. The head of the Federal agency shall afford the Council a reasonable opportunity to comment with regard to the undertaking.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306108 .....	16 U.S.C. 470f.	Pub. L. 89-665, title I, §106, Oct. 15, 1966, 80 Stat. 917; Pub. L. 94-422, title II, §201(3), Sept. 28, 1976, 90 Stat. 1320.

The words “historic property” are substituted for “district, site, building, structure, or object that is included in or eligible for inclusion in the National Register” because of the definition of “historic property” in section 300308 of the new title.

**§ 306109. Costs of preservation as eligible project costs**

A Federal agency may include the costs of preservation activities of the agency under this division as eligible project costs in all undertakings of the agency or assisted by the agency. The eligible project costs may include amounts paid by a Federal agency to a State to be used in carrying out the preservation responsibilities of the Federal agency under this division, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306109 .....	16 U.S.C. 470h-2(g).	Pub. L. 89-665, title I, §110(g), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2996.

**§ 306110. Annual preservation awards program**

The Secretary shall establish an annual preservation awards program under which the Secretary may make monetary awards in amounts of not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic property. The program may include the issuance of annual awards by the President to any citizen of the United States recommended for the award by the Secretary.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306110 .....	16 U.S.C. 470h-2(h).	Pub. L. 89-665, title I, §110(h), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2997.

The words “historic property” are substituted for “historic resources” for consistency because the defined term in the new division is “historic property”.

**§ 306111. Environmental impact statement**

Nothing in this division shall be construed to—

- (1) require the preparation of an environmental impact statement where the statement would not otherwise be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or
- (2) provide any exemption from any requirement respecting the preparation of an environmental impact statement under that Act.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306111 .....	16 U.S.C. 470h-2(i).	Pub. L. 89-665, title I, §110(i), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2997.

**Editorial Notes**

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

**§ 306112. Waiver of provisions in event of natural disaster or imminent threat to national security**

The Secretary shall promulgate regulations under which the requirements of this subchapter (except section 306108) may be waived in whole or in part in the event of a major natural disaster or an imminent threat to national security.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)