

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.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306112	16 U.S.C. 470h-2(j).	Pub. L. 89-665, title I, §110(j), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2997.

§ 306113. Anticipatory demolition

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

(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>
306113	16 U.S.C. 470h-2(k).	Pub. L. 89-665, title I, §110(k), as added Pub. L. 102-575, title XL, §4012(3), Oct. 30, 1992, 106 Stat. 4760.

§ 306114. Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306114	16 U.S.C. 470h-2(l).	Pub. L. 89-665, title I, §110(l), as added Pub. L. 102-575, title XL, §4012(3), Oct. 30, 1992, 106 Stat. 4761; Pub. L. 106-208, §5(a)(8), May 26, 2000, 114 Stat. 319.

The words “historic property” are substituted for “property included in or eligible for inclusion in the National Register” because of the definition of “historic property” in section 300308 of the new title. The words “to document a decision pursuant to this section” are substituted for “pursuant to such section” for clarity. The language was not intended to limit agency authority to delegate responsibilities under section 106 of the National Historic Preservation Act (Public Law 89-665, 80 Stat. 917). The words “agreement pursuant to regulations issued by the Council” are substituted for “a section 106 memorandum”, and the word “agreement” is substituted for “memorandum”, for clarity and for consistency in the new section.

SUBCHAPTER II—LEASE, EXCHANGE, OR MANAGEMENT OF HISTORIC PROPERTY

§ 306121. Lease or exchange

(a) **AUTHORITY TO LEASE OR EXCHANGE.**—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) **PROCEEDS OF LEASE.**—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306121(a)	16 U.S.C. 470h-3(a).	Pub. L. 89-665, title I, §111(a), as added Pub. L. 96-515, title II, §207, Dec. 12, 1980, 94 Stat. 2997; Pub. L. 102-575, title XL, §4013, Oct. 30, 1992, 106 Stat. 4761.
306121(b)	16 U.S.C. 470h-3(b).	Pub. L. 89-665, title I, §111(b), as added Pub. L. 96-515, title II, §207, Dec. 12, 1980, 94 Stat. 2997.

Statutory Notes and Related Subsidiaries

HISTORIC LEASE PROCESS SIMPLIFICATION

Pub. L. 105-391, title VIII, §802(b), Nov. 13, 1998, 112 Stat. 3523, provided that: “The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.”

[For “Secretary” as used in section 802(b) of Pub. L. 105-391, set out above, as meaning the Secretary of the Interior, see section 2 of Pub. L. 105-391, Nov. 13, 1998, 112 Stat. 3498, which was classified to section 5901 of Title 16, Conservation, prior to repeal by Pub. L. 113-287.]

§ 306122. Contracts for management of historic property

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the