

interests of the United States and ensure adequate preservation of the historic property.  
(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3228.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306122 .....	16 U.S.C. 470h-3(c).	Pub. L. 89-665, title I, §111(c), as added Pub. L. 96-515, title II, §207, Dec. 12, 1980, 94 Stat. 2997.

SUBCHAPTER III—PROTECTION AND PRESERVATION OF RESOURCES

§ 306131. Standards and guidelines

(a) STANDARDS.—

(1) IN GENERAL.—Each Federal agency that is responsible for the protection of historic property (including archeological property) pursuant to this division or any other law shall ensure that—

(A) all actions taken by employees or contractors of the agency meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of archeology, architecture, conservation, history, landscape architecture, and planning;

(B) agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of archeology, architecture, conservation, curation, history, landscape architecture, and planning; and

(C) records and other data, including data produced by historical research and archeological surveys and excavations, are permanently maintained in appropriate databases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

(2) CONSIDERATIONS.—The standards referred to in paragraph (1)(B) shall consider the particular skills and expertise needed for the preservation of historic property and shall be equivalent requirements for the disciplines involved.

(3) REVISION.—The Office of Personnel Management shall revise qualification standards for the disciplines involved.

(b) GUIDELINES.—To promote the preservation of historic property eligible for listing on the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this division include plans to—

(1) provide information to the owners of historic property (including architectural, curatorial, and archeological property) with demonstrated or likely research significance, about the need for protection of the historic property, and the available means of protection;

(2) encourage owners to preserve historic property intact and in place and offer the own-

ers of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

(3) encourage the protection of Native American cultural items (within the meaning of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)) and of property of religious or cultural importance to Indian tribes, Native Hawaiian organizations, or other Native American groups; and

(4) encourage owners that are undertaking archeological excavations to—

(A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;

(B) donate or lend artifacts of research significance to an appropriate research institution;

(C) allow access to artifacts for research purposes; and

(D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under subparagraph (B) or (C) of section 3(a)(2) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(a)(2)(B), (C)), give notice to and consult with the Indian tribe or Native Hawaiian organization.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3229; Pub. L. 114-289, title VI, §601(f), Dec. 16, 2016, 130 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306131 .....	16 U.S.C. 470h-4.	Pub. L. 89-665, title I, §112, as added Pub. L. 102-575, title XL, §4014, Oct. 30, 1992, 106 Stat. 4761; Pub. L. 106-208, §5(a)(9), May 26, 2000, 114 Stat. 319.

In subparagraphs (A) and (B) of subsection (a)(1), the words “the disciplines involved, specifically” are omitted as unnecessary.

In subsection (a)(3), the words “within 2 years after October 20, 1992” are omitted as obsolete.

In subsection (b)(1), the word “property” is substituted for “resources” for consistency because the defined term in the new division is “property”.

Editorial Notes

AMENDMENTS

2016—Subsec. (a)(3). Pub. L. 114-289 substituted “Office of Personnel Management” for “Office of Management and Budget”.

SUBDIVISION 6—MISCELLANEOUS

CHAPTER 3071—MISCELLANEOUS

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307101.	World Heritage Convention.
307102.	Effective date of regulations.
307103.	Access to information.
307104.	Inapplicability of division to White House, Supreme Court building, or United States Capitol.
307105.	Attorney’s fees and costs to prevailing parties in civil actions.
307106.	Authorization for expenditure of appropriated funds.