CHAPTER 1A - HISTORIC SITES, BUILDINGS, OBJECTS, AND ANTIQUITIES

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SUBCHAPTER I - GENERAL PROVISIONS

§461. Declaration of national policy

It is declared that it is a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 1, 49 Stat. 666.)

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-338, Sec. 1(a), Oct. 12, 2006, 120 Stat. 1783, provided that: "This Act [enacting provisions set out as a note under section 262 of Title 30, Mineral Lands and Mining, enacting provisions listed in a table of National Heritage Routes set out under this section, amending provisions formerly set out as a note under section 1244 of this title, and amending provisions listed in a table of National Heritage and River Corridors, a table of National Heritage Areas, and a table of National Heritage Partnerships set out under this section] may be cited as the 'National Heritage Areas Act of 2006'."

SHORT TITLE OF 2005 AMENDMENT Pub. L. 109-156, Sec. 1, Dec. 30, 2005, 119 Stat. 2946, provided that: "This Act [amending section 463 of this title and enacting provisions set out as a note under section 463 of this title] may be cited as the 'Delaware Water Gap National Recreation Area Improvement Act'."

956, provided that: "This section [enacting section 469l-2 of this title and provisions set out as a note under section 469l-2 of this title] may be cited as the 'National Underground Railroad Freedom Center Act'."

SHORT TITLE OF 1998 AMENDMENT Pub. L. 105-203, Sec. 1, July 21, 1998, 112 Stat. 678, provided that: "This Act [enacting sections 469l and 469l-1 of this title] may be cited as the 'National Underground Railroad Network to Freedom Act of 1998'."

SHORT TITLE Act Aug. 21, 1935, ch. 593, 49 Stat. 666, which is classified to sections 461 to 467 of this title, is popularly known as the "Historic Sites, Buildings, and Antiquities Act".

Adams National Historic Site, Massachusetts [redesignated Adams National Historical Park by Pub. L. 105-342, Sec. 5(e), Nov. 2, 1998, 112 Stat. 3202 (16 U.S.C. 410eee et seq.)]. - Designated Dec. 9, 1946.

Allegheny Portage Railroad National Historic Site, Pennsylvania. - Pub. L. 88-546, Aug. 31, 1964, 78 Stat. 752; Pub. L. 107-369, Dec. 19, 2002, 116 Stat. 3069; Pub. L. 108-352, Sec. 16, Oct. 21, 2004, 118 Stat. 1398.

Andersonville National Historic Site, Georgia. - Pub. L. 91-465, Oct. 16, 1970, 84 Stat. 989; Pub. L. 107-357, Sec. 1, Dec. 17, 2002, 116 Stat. 3014.

Andrew Johnson National Historic Site. - Aug. 29, 1935, ch. 801, 49 Stat. 958 (16 U.S.C. 450o-450q); Proc. No. 2554, Apr. 27, 1942, 56 Stat. 1955; Pub. L. 88-197, Dec. 11, 1963, 77 Stat. 349.

Ansley Wilcox House National Historic Site (see Theodore Roosevelt Inaugural National Historic Site, New York).

Bent's Old Fort National Historic Site, Colorado. - Pub. L. 86-487, June 3, 1960, 74 Stat. 155.

Boston African American National Historic Site, Massachusetts. - Pub. L. 96-430, title I, Oct. 10, 1980, 94 Stat. 1845.

Brown v. Board of Education National Historic Site, Kansas. - Pub. L. 102-525, title I, Oct. 26, 1992, 106 Stat. 3438.

Carl Sandburg Home National Historic Site, North Carolina. - Pub. L. 90-592, Oct. 17, 1968, 82 Stat. 1968; Pub. L. 110-229, title III, Sec. 311, May 8, 2008, 122 Stat. 769.

Carter G. Woodson Home National Historic Site, District of Columbia. - Pub. L. 108-192, Dec. 19, 2003, 117 Stat. 2873.

Charles Pinckney National Historic Site, South Carolina. - Pub. L. 100-421, Sept. 8, 1988, 102 Stat. 1581.

Clara Barton National Historic Site, Maryland. - Pub. L. 93-486, title I, Sec. 101(a)(1), Oct. 26, 1974, 88 Stat. 1461.

Edgar Allan Poe National Historic Site, Pennsylvania. - Pub. L. 95-625, title V, Sec. 503, Nov. 10, 1978, 92 Stat. 3498.

Edison National Historic Site [references to Edison National Historic Site deemed to refer to the Thomas Edison National Historical Park by Pub. L. 111-11, title VII, Sec. 7110(c)(5), Mar. 30, 2009, 123 Stat. 1198, see section 410mmm of this title]. - Pub. L. 87-628, Sept. 5, 1962, 76 Stat. 428; repealed by Pub. L. 111-11, title VII, Sec. 7110(c)(4), Mar. 30, 2009, 123 Stat. 1198.

Eisenhower National Historic Site. - 33 F.R. 16031, Nov. 27, 1967; Pub. L. 91-133, Dec. 2, 1969, 83 Stat. 274.

Eleanor Roosevelt National Historic Site, New York. - Pub. L. 95-32, May 26, 1977, 91 Stat. 171; Pub. L. 105-364, Nov. 6, 1998, 112 Stat. 3300.

Eugene O'Neill National Historic Site, California. - Pub. L. 94-539, Secs. 1, 2, Oct. 18, 1976, 90 Stat. 2501.

Fallen Timbers Battlefield and Fort Miamis National Historic Site, Ohio. - Pub. L. 106-164, Dec. 9, 1999, 113 Stat. 1792; Pub. L. 106-387, Sec. 1(a) [title VII, Sec. 777], Oct. 28, 2000, 114 Stat. 1549, 1549A-46.

First Ladies National Historic Site, Ohio. - Pub. L. 106-291, title I, Sec. 145, Oct. 11, 2000, 114 Stat. 950.

Ford's Theatre National Historic Site, District of Columbia. - Pub. L. 91-288, June 23, 1970, 84 Stat. 322.

Fort Bowie National Historic Site, Arizona. - Pub. L. 88-510, Aug. 30, 1964, 78 Stat. 681.

Fort Davis National Historic Site, Texas. - Pub. L. 87-213, Sept. 8, 1961, 75 Stat. 488; Pub. L. 105-355, title V, Sec. 506, Nov. 6, 1998, 112 Stat. 3263; Pub. L. 111-11, title VII, Sec. 7118, Mar. 30, 2009, 123 Stat. 1205.

Fort Laramie National Historic Site, Wyoming. - Proc. No. 2292, July 16, 1938, 53 Stat. 2461; Pub. L. 86-444, Apr. 29, 1960, 74 Stat. 83.

Fort Larned National Historic Site, Kansas. - Pub. L. 88-541, Aug. 31, 1964, 78 Stat. 748.

Fort Point National Historic Site, California. - Pub. L. 91-457, Oct. 16, 1970, 84 Stat. 970.
Fort Raleigh National Historic Site, North Carolina. - Designated Apr. 5, 1941; Pub. L. 87-148, Aug. 17, 1961, 75 Stat. 384; Pub. L. 101-603, Nov. 16, 1990, 104 Stat. 3065.
Fort Saint Marks National Historic Site, Florida. - Pub. L. 87-789, Oct. 10, 1962, 76 Stat. 807.
Fort Scott National Historic Site, Kansas. - Pub. L. 95-484, Oct. 19, 1978, 92 Stat. 1610; Pub. L. 95-625, title XII, Nov. 10, 1978, 92 Stat. 3548.
Fort Smith National Historic Site, Arkansas. - Pub. L. 87-215, Sept. 13, 1961, 75 Stat. 489.
Fort Union Trading Post National Historic Site, North Dakota and Montana. - Pub. L. 89-458, June 20, 1966, 80 Stat. 211.
Frederick Law Olmsted National Historic Site, Massachusetts. - Pub. L. 96-87, title II, Oct. 12, 1979, 93 Stat. 664; Pub. L. 105-343, Nov. 2, 1998, 112 Stat. 3203.
Friendship Hill National Historic Site, Pennsylvania. - Pub. L. 95-625, title V, Sec. 509, Nov. 10, 1978, 92 Stat. 3509.
Georgia O'Keeffe National Historic Site, New Mexico. - Pub. L. 96-344, Sec. 3, Sept. 8, 1980, 94 Stat. 1133; repealed by Pub. L. 98-396, title I, Aug. 22, 1984, 98 Stat. 1387.
Golden Spike National Historic Site, Utah. - Pub. L. 89-102, July 30, 1965, 79 Stat. 426.
Grant-Kohrs Ranch National Historic Site, Montana. - Pub. L. 92-406, Aug. 25, 1972, 86 Stat. 632; Pub. L. 105-365, Nov. 6, 1998, 112 Stat. 3301.
Grey Towers National Historic Site, Pennsylvania. - Pub. L. 108-447, div. E, title III, Sec. 348, Dec. 8, 2004, 118 Stat. 3106.
Hampton National Historic Site, Maryland. - Designated June 22, 194
Harry S Truman National Historic Site, Missouri. - Pub. L. 98-32, May 23, 1983, 97 Stat. 193; Pub. L. 101-105, Oct. 2, 1989, 103 Stat. 675; Pub. L. 103-184, Sec. 1, Dec. 14, 1993, 107 Stat. 2243; Pub. L. 108-396, Oct. 30, 2004, 118 Stat. 2250.
Herbert Hoover National Historic Site, Iowa. - Pub. L. 89-119, Aug. 12, 1965, 79 Stat. 510.
Home of Franklin D. Roosevelt National Historic Site, New York. - Designated Jan. 15, 1944; Pub. L. 105-364, Nov. 6, 1998, 112 Stat. 3300; Pub. L. 106-147, Dec. 9, 1999, 113 Stat. 1717.
Hopewell Furnace [formerly Hopewell Village] National Historic Site, Pennsylvania. - Designated Aug. 3, 1938; redesignated Sept. 19, 1985, 50 F.R. 52385.
Hubbell Trading Post National Historic Site, Arizona. - Pub. L. 89-148, Aug. 28, 1965, 79 Stat. 584.
James A. Garfield National Historic Site, Ohio. - Pub. L. 96-607, title XII, Dec. 28, 1980, 94 Stat. 3545.
Jefferson National Expansion Memorial, National Historical Site, Missouri. - Designated Dec. 21, 1935
Jimmy Carter National Historic Site, Georgia. - Pub. L. 100-206, Dec. 23, 1987, 101 Stat. 1434; Pub. L. 105-106, Sec. 1, Nov. 20, 1997, 111 Stat. 2247.
John Fitzgerald Kennedy National Historic Site, Massachusetts. - Pub. L. 90-20, May 26, 1967, 81 Stat. 29.
John Muir National Historic Site, California. - Pub. L. 88-547, Aug. 31, 1964, 78 Stat. 753; Pub. L. 100-563, Sec. 5, Oct. 31, 1988, 102 Stat. 2829; Pub. L. 108-385, Oct. 30, 2004, 118 Stat. 222
Kate Mullany National Historic Site, New York.-Pub. L. 108-438, Dec. 3, 2004, 118 Stat. 2625.
Knife River Indian Villages National Historic Site, North Dakota. - Pub. L. 93-486, title I, Sec. 101(a)(3), Oct. 26, 1974, 88 Stat. 1461; Pub. L. 101-430, Sec. 1, Oct. 15, 1990, 104 Stat. 959.
Lincoln Home National Historic Site, Illinois. - Pub. L. 92-127, Aug. 18, 1971, 85 Stat. 347.
Little Rock Central High School National Historic Site, Arkansas. - Pub. L. 105-356, Nov. 6, 1998, 112 Stat. 3268.
Longfellow House-Washington's Headquarters [formerly Longfellow] National Historic Site, Massachusetts. - Pub. L. 92-475, Oct. 9, 1972, 86 Stat. 791; Pub. L. 111-333, Dec. 22, 2010, 124 Stat. 3581.

Lower East Side Tenement National Historic Site, New York. - Pub. L. 105-378, title I, Nov. 12, 1998, 112 Stat. 3395.
Lyndon B. Johnson National Historic Site, Texas [redesignated Lyndon B. Johnson National Historical Park by Pub. L. 96-607, title VI, Dec. 3, 1980, 94 Stat. 3540 (16 U.S.C. 410kk to 410kk-2)]. - Pub. L. 91-134, Dec. 2, 1969, 83 Stat. 274.
Maggie L. Walker National Historic Site, Virginia. - Pub. L. 95-625, title V, Sec. 511, Nov. 10, 1978, 92 Stat. 3510.
Manzanar National Historic Site, California. - Pub. L. 102-248, title I, Mar. 3, 1992, 106 Stat. 40; Pub. L. 104-333, div. I, title V, Sec. 515, Nov. 12, 1996, 110 Stat. 4167.
Mar-A-Lago National Historic Site, Florida [redesignated Mar-A-Lago National Historic Landmark by Pub. L. 96-586, Sec. 4(a)(2), Dec. 23, 1980, 94 Stat. 3386 (16 U.S.C. 467a note)]. - Designated Jan. 16, 1969; Pub. L. 92-527, Oct. 21, 1972, 86 Stat. 1049; repealed by Pub. L. 96-586, Sec. 4(a)(1), Dec. 23, 1980, 94 Stat. 3386.
Martin Luther King, Junior, National Historic Site, Georgia. - Pub. L. 96-428, Oct. 10, 1980, 94 Stat. 1839; Pub. L. 102-575, title XL, Sec. 4024, Oct. 30, 1992, 106 Stat. 4768; Pub. L. 108-314, Oct. 5, 2004, 118 Stat. 1198.
Martin Van Buren National Historic Site, New York. - Pub. L. 93-486, title I, Sec. 101(a)(6), Oct. 26, 1974, 88 Stat. 1462; Pub. L. 111-11, title VII, Sec. 7112, Mar. 30, 2009, 123 Stat. 1201
Mary McLeod Bethune Council House National Historic Site, District of Columbia. - Pub. L. 97-329, Oct. 15, 1982, 96 Stat. 1615; Pub. L. 102-211, Dec. 11, 1991, 105 Stat. 1652.
Minidoka National Historic Site, Idaho. - Pub. L. 110-229, title III, Sec. 313, May 8, 2008, 122 Stat. 770.
Minuteman Missile National Historic Site, South Dakota. - Pub. L. 106-115, Nov. 29, 1999, 113 Stat. 1540.
Nicodemus National Historic Site, Kansas. - Pub. L. 104-333, div. I, title V, Sec. 512, Nov. 12, 1996, 110 Stat. 4163; Pub. L. 106-176, title I, Sec. 112, Mar. 10, 2000, 114 Stat. 27.
Ninety Six National Historic Site, South Carolina. - Pub. L. 94-393, Aug. 19, 1976, 90 Stat. 1196.
Old Philadelphia Custom House National Historic Site, Pennsylvania. - Designated May 26, 1939.
Palo Alto Battlefield National Historic Site, Texas [redesignated Palo Alto Battlefield National Historical Park by Pub. L. 111-11, title VII, Sec. 7113(a)(1), Mar. 30, 2009, 123 Stat. 1201 (16 U.S.C. 410nnn et seq.)]. - Pub. L. 95-625, title V, Sec. 506, Nov. 10, 1978, 92 Stat. 3500; Pub. L. 102-304, June 23, 1992, 106 Stat. 256.
President William Jefferson Clinton Birthplace Home National Historic Site, Arkansas. - Pub. L. 111-11, title VII, Sec. 7002, Mar. 30, 2009, 123 Stat. 1188.
Pu'ukohola Heiau National Historic Site, Hawaii. - Pub. L. 92-388, Aug. 17, 1972, 86 Stat. 562; Pub. L. 106-510, Sec. 3(e), Nov. 13, 2000, 114 Stat. 2364.
Ronald Reagan Boyhood Home National Historic Site, Illinois. - Pub. L. 107-137, Feb. 6, 2002, 116 Stat. 3.
Saint Gaudens National Historic Site, New Hampshire. - Pub. L. 88-543, Aug. 31, 1964, 78 Stat. 749; Pub. L. 106-491, Nov. 9, 2000, 114 Stat. 2209.
Salem Maritime National Historic Site, Massachusetts. - Designated Mar. 17, 1938; Pub. L. 100-349, June 27, 1988, 102 Stat. 659; Pub. L. 101-632, Nov. 28, 1990, 104 Stat. 4575.
San Juan National Historic Site, Puerto Rico. - Designated Feb. 14, 1949.
Sand Creek Massacre National Historic Site, Colorado. - Pub. L. 106-465, Nov. 7, 2000, 114 Stat. 2019; Pub. L. 109-45, Aug. 2, 2005, 119 Stat. 445.
Saugus Iron Works National Historic Site, Massachusetts. - Pub. L. 90-282, Apr. 5, 1968, 82 Stat. 72.
Sewall-Belmont House National Historic Site, District of Columbia. - Pub. L. 93-486, title II, Oct. 26, 1974, 88 Stat. 1463.
Springfield Armory National Historic Site, Massachusetts. - Pub.

L. 93-486, title I, Sec. 101(a)(4), Oct. 26, 1974, 88 Stat. 1461.
Steamtown National Historic Site, Pennsylvania. - Pub. L. 99-500, Sec. 101(h) [title I, Secs. 1-5], Oct. 18, 1986, 100 Stat. 1783-248, and Pub. L. 99-591, Sec. 101(h) [title I, Secs. 1-5], Oct. 30, 1986, 100 Stat. 3341-248.
Thaddeus Kosciuszko Home National Historic Site, Pennsylvania. - Pub. L. 92-524, Oct. 21, 1972, 86 Stat. 1046.
Theodore Roosevelt Inaugural [formerly Ansley Wilcox House] National Historic Site, New York. - Pub. L. 89-708, Nov. 2, 1966, 80 Stat. 1101; Pub. L. 96-607, title VIII, Dec. 28, 1980, 94 Stat. 3541.
Thomas Cole National Historic Site, New York. - Pub. L. 106-146, Dec. 9, 1999, 113 Stat. 1714.
Thomas Stone National Historic Site, Maryland. - Pub. L. 95-625, title V, Sec. 510, Nov. 10, 1978, 92 Stat. 3510.
Tuskegee Airmen National Historic Site, Alabama. - Pub. L. 105-355, title III, Nov. 6, 1998, 112 Stat. 3254.
Tuskegee Institute National Historic Site, Alabama. - Pub. L. 93-486, title I, Sec. 101(a)(5), Oct. 26, 1974, 88 Stat. 1462.
Ulysses S. Grant National Historic Site, Missouri. - Pub. L. 101-106, Oct. 2, 1989, 103 Stat. 677.
Vanderbilt Mansion National Historic Site, New York. - Designated Dec. 18, 1940.
Weir Farm National Historic Site, Connecticut. - Pub. L. 101-485, Oct. 31, 1990, 104 Stat. 1171; Pub. L. 103-449, title II, Nov. 2, 1994, 108 Stat. 4756; Pub. L. 105-363, Sec. 1, Nov. 6, 1998, 112 Stat. 3296; Pub. L. 111-11, title VII, Sec. 7102, Mar. 30, 2009, 123 Stat. 1190.
William Howard Taft National Historic Site, Ohio. - Pub. L. 91-132, Dec. 2, 1969, 83 Stat. 273; Pub. L. 107-60, Nov. 5, 2001, 115 Stat. 408.

For other historic sites included within this title, see General Index.

NATIONAL BATTLEFIELD SITES

Cowpens National Battlefield Site, South Carolina. - Act Mar. 4, 1929, ch. 699, 45 Stat. 1558.
Fort Necessity National Battlefield Site, Pennsylvania. - Act Mar. 4, 1931, ch. 504, 46 Stat. 1522 [redesignated Fort Necessity National Battlefield by Pub. L. 87-134, Sec. 3, Aug. 10, 1961, 75 Stat. 336. See section 430rr of this title].
Shenandoah Valley Battlefields National Historic District, Virginia. - Pub. L. 104-333, div. I, title VI, Sec. 606, Nov. 12, 1996, 110 Stat. 4174; Pub. L. 106-176, title I, Sec. 115, Mar. 10, 2000, 114 Stat. 27.
Washita Battlefield National Historic Site, Oklahoma. - Pub. L. 104-333, div. I, title VI, Sec. 607, Nov. 12, 1996, 110 Stat. 4180; Pub. L. 106-176, title I, Sec. 116, Mar. 10, 2000, 114 Stat. 27.

NATIONAL HERITAGE AND RIVER CORRIDORS

Blackstone River Valley National Heritage Corridor, Massachusetts and Rhode Island (see John H. Chafee Blackstone River Valley National Heritage Corridor, Massachusetts and Rhode Island).
Cache La Poudre Corridor, Colorado. - Pub. L. 104-323, Oct. 19,

1996, 110 Stat. 3889; repealed by Pub. L. 111-11, title VIII, Sec. 8002(j), Mar. 30, 2009, 123 Stat. 1235.
Delaware and Lehigh National Heritage Corridor, Pennsylvania. - Pub. L. 100-692, Nov. 18, 1988, 102 Stat. 4552; Pub. L. 105-355, title IV, Nov. 6, 1998, 112 Stat. 3258; Pub. L. 108-199, div. H, Sec. 141, Jan. 23, 2004, 118 Stat. 443; Pub. L. 111-11, title VIII, Sec. 8202, Mar. 30, 2009, 123 Stat. 1292.
Erie Canalway National Heritage Corridor, New York. - Pub. L. 106-554, Sec. 1(a)(4) [div. B, title VIII], Dec. 21, 2000, 114 Stat. 2763, 2763A-295; Pub. L. 111-11, title VIII, Sec. 8203, Mar. 30, 2009, 123 Stat. 1294.
Gullah/Geechee Cultural Heritage Corridor, Florida, Georgia, North Carolina, and South Carolina. - Pub. L. 109-338, title II, Secs. 295-295L, Oct. 12, 2006, 120 Stat. 1832-1837.
Illinois and Michigan Canal National Heritage Corridor, Illinois. - Pub. L. 98-398, title I, Aug. 24, 1984, 98 Stat. 1456; Pub. L. 104-333, div. I, title IX, Sec. 902, Nov. 12, 1996, 110 Stat. 4204; Pub. L. 105-355, title V, Sec. 502, Nov. 6, 1998, 112 Stat. 3261; Pub. L. 106-554, Sec. 1(a)(4) [div. B, title I, Sec. 126], Dec. 21, 2000, 114 Stat. 2763, 2763A-229; Pub. L. 109-338, title IV, Oct. 12, 2006, 120 Stat. 1850.
John H. Chafee Blackstone River Valley National Heritage Corridor [formerly Blackstone River Valley National Heritage Corridor], Massachusetts and Rhode Island. - Pub. L. 99-647, Nov. 10, 1986, 100 Stat. 3625; Pub. L. 101-441, Oct. 18, 1990, 104 Stat. 1017; Pub. L. 102-154, title I, Sec. 118, Nov. 13, 1991, 105 Stat. 1013; Pub. L. 104-208, div. A, title I, Sec. 101(d) [title I, Sec. 115], Sept. 30, 1996, 110 Stat. 3009-181, 3009-201; Pub. L. 104-333, div. I, title IX, Sec. 901, Nov. 12, 1996, 110 Stat. 4201; Pub. L. 105-355, title V, Sec. 501, Nov. 6, 1998, 112 Stat. 3261; Pub. L. 106-113, div. B, Sec. 1000(a)(3) [title III, Sec. 343], Nov. 29, 1999, 113 Stat. 1535, 1501A-202; Pub. L. 106-176, title I, Sec. 121, Mar. 10, 2000, 114 Stat. 29; Pub. L. 109-338, title VII, Secs. 701, 702, Oct. 12, 2006, 120 Stat. 1857; Pub. L. 111-11, title VIII, Sec. 8204, Mar. 30, 2009, 123 Stat. 1295; Pub. L. 112-10, div. B, title VII, Sec. 1767, Apr. 15, 2011, 125 Stat. 155.
Ohio & Erie Canal National Heritage Corridor, Ohio (see Ohio & Erie National Heritage Canalway, Ohio).
Quinebaug and Shetucket Rivers Valley National Heritage Corridor, Connecticut and Massachusetts. - Pub. L. 103-449, title I, Nov. 2, 1994, 108 Stat. 4752; Pub. L. 106-149, Dec. 9, 1999, 113 Stat. 1726; Pub. L. 111-11, title VIII, Sec. 8201, Mar. 30, 2009, 123 Stat. 1291.
South Carolina National Heritage Corridor, South Carolina. - Pub. L. 104-333, div. II, title VI, Nov. 12, 1996, 110 Stat. 4260; Pub. L. 110-229, title IV, Secs. 461, 473, May 8, 2008, 122 Stat. 824, 826.

NATIONAL HERITAGE AREAS

Abraham Lincoln National Heritage Area, Illinois. - Pub. L. 110-229, title IV, Secs. 441-451, May 8, 2008, 122 Stat. 818-824.
Arabia Mountain National Heritage Area, Georgia. - Pub. L. 109-338, title II, Secs. 231-242, Oct. 12, 2006, 120 Stat. 1795-180
Atchafalaya National Heritage Area, Louisiana. - Pub. L. 109-338, title II, Secs. 211-221, Oct. 12, 2006, 120 Stat. 1791-1795.
Augusta Canal National Heritage Area, Georgia. - Pub. L. 104-333, div. II, title III, Nov. 12, 1996, 110 Stat. 4249; Pub. L. 106-176, title II, Sec. 203, Mar. 10, 2000, 114 Stat. 31; Pub. L. 110-229, title IV, Sec. 461, May 8, 2008, 122 Stat. 824.
Automobile National Heritage Area, Michigan. - Pub. L. 105-355, title I, Nov. 6, 1998, 112 Stat. 3247.
Baltimore National Heritage Area, Maryland. - Pub. L. 111-11,

title VIII, Sec. 8005, Mar. 30, 2009, 123 Stat. 1247.
Blue Ridge National Heritage Area, North Carolina. - Pub. L. 108-108, title I, Sec. 140, Nov. 10, 2003, 117 Stat. 1274.
Cache La Poudre River National Heritage Area, Colorado. - Pub. L. 111-11, title VIII, Sec. 8002, Mar. 30, 2009, 123 Stat. 1229.
Crossroads of the American Revolution National Heritage Area, New Jersey. - Pub. L. 109-338, title II, Secs. 297-297J, Oct. 12, 2006, 120 Stat. 1837-1844; Pub. L. 111-11, title VII, Sec. 7116(i), Mar. 30, 2009, 123 Stat. 1203.
Essex National Heritage Area, Massachusetts. - Pub. L. 104-333, div. II, title V, Nov. 12, 1996, 110 Stat. 4257; Pub. L. 106-176, title II, Sec. 204, Mar. 10, 2000, 114 Stat. 31; Pub. L. 110-229, title IV, Sec. 461, May 8, 2008, 122 Stat. 824.
Freedom's Frontier National Heritage Area, Kansas and Missouri. - Pub. L. 109-338, title II, Secs. 261-269, Oct. 12, 2006, 120 Stat. 1807-1813.
Freedom's Way National Heritage Area, Massachusetts and New Hampshire. - Pub. L. 111-11, title VIII, Sec. 8006, Mar. 30, 2009, 123 Stat. 1253.
Hudson River Valley National Heritage Area, New York. - Pub. L. 104-333, div. II, title IX, Nov. 12, 1996, 110 Stat. 4275; Pub. L. 105-83, title III, Secs. 317, 324, Nov. 14, 1997, 111 Stat. 1595, 1597; Pub. L. 106-176, title II, Sec. 206, Mar. 10, 2000, 114 Stat. 31; Pub. L. 110-229, title IV, Sec. 461, May 8, 2008, 122 Stat. 824.
Journey Through Hallowed Ground National Heritage Area, Maryland, Pennsylvania, Virginia, West Virginia. - Pub. L. 110-229, title IV, Secs. 401-411, May 8, 2008, 122 Stat. 802-809.
Kenai Mountains-Turnagain Arm National Heritage Area, Alaska. - Pub. L. 111-11, title VIII, Sec. 8010, Mar. 30, 2009, 123 Stat. 128
Lackawanna Valley National Heritage Area, Pennsylvania. - Pub. L. 106-278, title I, Oct. 6, 2000, 114 Stat. 814; Pub. L. 108-352, Sec. 2, Oct. 21, 2004, 118 Stat. 1395.
Mississippi Delta National Heritage Area, Mississippi. - Pub. L. 111-11, title VIII, Sec. 8008, Mar. 30, 2009, 123 Stat. 1267.
Mississippi Gulf Coast National Heritage Area, Mississippi. - Pub. L. 108-447, div. J, title VII, Dec. 8, 2004, 118 Stat. 3374.
Mississippi Hills National Heritage Area, Mississippi. - Pub. L. 111-11, title VIII, Sec. 8007, Mar. 30, 2009, 123 Stat. 1260.
Mormon Pioneer National Heritage Area, Utah. - Pub. L. 109-338, title II, Secs. 251-260, Oct. 12, 2006, 120 Stat. 1800-1807.
Muscle Shoals National Heritage Area, Alabama. - Pub. L. 111-11, title VIII, Sec. 8009, Mar. 30, 2009, 123 Stat. 1275.
National Aviation Heritage Area, Ohio. - Pub. L. 108-447, div. J, title V, Dec. 8, 2004, 118 Stat. 3361; Pub. L. 111-11, title VII, Sec. 7117(d), Mar. 30, 2009, 123 Stat. 1204.
National Coal Heritage Area, West Virginia. - Pub. L. 104-333, div. II, title I, Nov. 12, 1996, 110 Stat. 4243; Pub. L. 106-176, title II, Sec. 201, Mar. 10, 2000, 114 Stat. 31; Pub. L. 109-338, title IX, Sec. 901, Oct. 12, 2006, 120 Stat. 1862; Pub. L. 110-229, title IV, Secs. 461, 471, May 8, 2008, 122 Stat. 824, 825.
Niagara Falls National Heritage Area, New York. - Pub. L. 110-229, title IV, Secs. 421-432, May 8, 2008, 122 Stat. 809-818.
Northern Plains National Heritage Area, North Dakota. - Pub. L. 111-11, title VIII, Sec. 8004, Mar. 30, 2009, 123 Stat. 1240; Pub. L. 111-88, div. A, title I, Sec. 120, Oct. 30, 2009, 123 Stat. 2929
Northern Rio Grande National Heritage Area, New Mexico. - Pub. L. 109-338, title II, Secs. 201-209, Oct. 12, 2006, 120 Stat. 1787-179
Oil Region National Heritage Area, Pennsylvania. - Pub. L. 108-447, div. J, title VI, Dec. 8, 2004, 118 Stat. 3368.
Rivers of Steel National Heritage Area [formerly Steel Industry American Heritage Area], Pennsylvania. - Pub. L. 104-333, div. II, title IV, Nov. 12, 1996, 110 Stat. 4252; Pub. L. 106-113, div. B, Sec. 1000(a)(3) [title I, Sec. 116], Nov. 29, 1999, 113 Stat. 1535, 1501A-158; Pub. L. 110-229, title IV, Secs. 461, 472, May 8, 2008, 122 Stat. 824, 826.
Sangre de Cristo National Heritage Area, Colorado. - Pub. L. 111-11, title VIII, Sec. 8001, Mar. 30, 2009, 123 Stat. 1224.

Schuylkill River Valley National Heritage Area, Pennsylvania. - Pub. L. 106-278, title II, Oct. 6, 2000, 114 Stat. 819.
South Park National Heritage Area, Colorado. - Pub. L. 111-11, title VIII, Sec. 8003, Mar. 30, 2009, 123 Stat. 1235.
Steel Industry American Heritage Area (see Rivers of Steel National Heritage Area, Pennsylvania).
Tennessee Civil War Heritage Area, Tennessee. - Pub. L. 104-333, div. II, title II, Nov. 12, 1996, 110 Stat. 4245; Pub. L. 106-176, title II, Sec. 202, Mar. 10, 2000, 114 Stat. 31; Pub. L. 110-229, title IV, Sec. 461, May 8, 2008, 122 Stat. 824.
Upper Housatonic Valley National Heritage Area, Connecticut and Massachusetts. - Pub. L. 109-338, title II, Secs. 271-280B, Oct. 12, 2006, 120 Stat. 1813-1819.
Wheeling National Heritage Area, West Virginia. - Pub. L. 106-291, title I, Sec. 157, Oct. 11, 2000, 114 Stat. 963.
Yuma Crossing National Heritage Area, Arizona. - Pub. L. 106-319, Oct. 19, 2000, 114 Stat. 1280; Pub. L. 109-318, Sec. 1, Oct. 11, 2006, 120 Stat. 1745.

NATIONAL HERITAGE CANALWAYS

Ohio & Erie National Heritage Canalway, Ohio [formerly Ohio & Erie Canal National Heritage Corridor]. - Pub. L. 104-333, div. II, title VIII, Nov. 12, 1996, 110 Stat. 4267; Pub. L. 106-176, title II, Sec. 205, Mar. 10, 2000, 114 Stat. 31; Pub. L. 110-229, title IV, Secs. 461, 474, May 8, 2008, 122 Stat. 824, 826; Pub. L. 111-11, title VII, Sec. 7116(j), Mar. 30, 2009, 123 Stat. 1203.

NATIONAL HERITAGE PARTNERSHIPS

America's Agricultural Heritage Partnership, Iowa. - Pub. L. 104-333, div. II, title VII, Nov. 12, 1996, 110 Stat. 4264; Pub. L. 106-176, title III, Sec. 309, Mar. 10, 2000, 114 Stat. 34; Pub. L. 110-229, title IV, Sec. 461, May 8, 2008, 122 Stat. 824.
Champlain Valley National Heritage Partnership, New York and Vermont. - Pub. L. 109-338, title II, Secs. 281-289, Oct. 12, 2006, 120 Stat. 1819-1824.

NATIONAL HERITAGE ROUTES

Great Basin National Heritage Route, Nevada and Utah. - Pub. L. 109-338, title II, Secs. 291-291L, Oct. 12, 2006, 120 Stat. 1824-1831.

HISTORIC CONFINEMENT SITES

Pub. L. 109-441, Dec. 21, 2006, 120 Stat. 3288, as amended by Pub. L. 111-88, div. A, title I, Sec. 119, Oct. 30, 2009, 123 Stat. 2929, provided that:

"SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.

"(a) Preservation Program. - The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

"(b) Grants. -

"(1) Criteria. - The Secretary, after consultation with State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations (including organizations involved in the preservation of historic confinement sites), shall develop criteria for making grants under paragraph (2) to assist in carrying out subsection (a).

"(2) Provision of grants. - Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall, subject to the availability of appropriations, make grants to the entities described in paragraph (1) only in accordance with the criteria developed under that paragraph. "(c) Property Acquisition. - "(1) Authority. - Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

"(2) Property descriptions. - The property referred to in paragraph (2) [probably should be "(1)"] is the following:

"(A) Jerome, depicted in Figure 7.1 of the Site Document.

"(B) Rohwer, depicted in Figure 11.2 of the Site Document.

"(C) Topaz, depicted in Figure 12.2 of the Site Document.

"(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south, Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

"(E) Heart Mountain, depicted in Figure 6.3 of the Site Document. "(3) No effect on private property. - The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

"(d) Matching Fund Requirement. - The Secretary shall require a 50 percent non-Federal match for funds provided under this section.

"(e) Sunset of Authority. - This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

"SEC. 2. DEFINITIONS.

"For purposes of this Act the following definitions apply:

"(1) Historic confinement sites. - (A) The term 'historic confinement sites' means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

"(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

"(2) Secretary. - The term 'Secretary' means the Secretary of the Interior.

"(3) Site document. - The term 'Site Document' means the document titled 'Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites', published by the Western Archeological and Conservation Center, National Park Service, in 1999.

"SEC. 3. PRIVATE PROPERTY PROTECTION.

"No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

"SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Secretary $38,000,000 to carry out this Act. Such sums shall remain available until expended."

CROSSROADS OF THE WEST HISTORIC DISTRICT Pub. L. 106-577, title III, Sec. 302, Dec. 28, 2000, 114 Stat.

3072, established the Crossroads of the West Historic District in Ogden, Utah, provided that the Secretary of the Interior could make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities for the preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District, for implementation of projects approved by the Secretary under that development plan, for an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character, and for assisting in the restoration, repair, rehabilitation and improvement of historic infrastructure, and the preservation and interpretation of properties, within the District, set forth the application process, and authorized appropriations.

ROUTE 66 CORRIDOR Pub. L. 106-45, Aug. 10, 1999, 113 Stat. 224, as amended by Pub.

L. 111-11, title VII, Sec. 7304, Mar. 30, 2009, 123 Stat. 1218, authorized the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service, to develop and carry out programs of technical assistance, grants, and coordination of activities for the preservation of the Route 66 corridor and authorized appropriations for these purposes.

CHESAPEAKE BAY INITIATIVE Pub. L. 105-312, title V, Oct. 30, 1998, 112 Stat. 2961, as amended by Pub. L. 107-308, Sec. 9, Dec. 2, 2002, 116 Stat. 2448;

Pub. L. 111-212, title III, Sec. 3005, July 29, 2010, 124 Stat.

2339; Pub. L. 112-74, div. E, title I, Dec. 23, 2011, 125 Stat.

991, known as the Chesapeake Bay Initiative Act of 1998, authorized Secretary of the Interior, in cooperation with Administrator of the Environmental Protection Agency, to create a Chesapeake Bay Gateways and Watertrails Network and to provide assistance to State and local governments in establishing this network, and authorized appropriations for these purposes.

CHARLESTON, ARKANSAS, NATIONAL COMMEMORATIVE SITE Pub. L. 105-277, div. A, Sec. 101(e) [title I, Sec. 128], Oct.

21, 1998, 112 Stat. 2681-231, 2681-262, provided that:

"(a) The Congress finds that -

"(1) the 1954 U.S. Supreme Court decision of Brown v. Board of Education, which mandated an end to the segregation of public schools, was one of the most significant Court decisions in the history of the United States;

"(2) the Charleston Public School District in Charleston, Arkansas, in September, 1954, became the first previously- segregated public school district in the former Confederacy to integrate following the Brown decision;

"(3) the orderly and peaceful integration of the public schools in Charleston served as a model and inspiration in the development of the Civil Rights movement in the United States, particularly with respect to public education; and

"(4) notwithstanding the important role of the Charleston School District in the successful implementation of integrated public schools, the role of the district has not been adequately commemorated and interpreted for the benefit and understanding of the nation. "(b) The Charleston Public School complex in Charleston, Arkansas is hereby designated as the 'Charleston National Commemorative Site' in commemoration of the Charleston schools' role as the first public school district in the South to integrate following the 1954 United States Supreme Court decision, Brown v. Board of Education. "(c) The Secretary, after consultation with the Charleston Public School District, shall establish an appropriate commemorative monument and interpretive exhibit at the Charleston National Commemorative Site to commemorate the 1954 integration of Charleston's public schools."

VANCOUVER NATIONAL HISTORIC RESERVE Pub. L. 104-333, div. I, title V, Sec. 502, Nov. 12, 1996, 110 Stat. 4154, as amended by Pub. L. 106-176, title I, Sec. 107, Mar.

10, 2000, 114 Stat. 26; Pub. L. 107-342, Sec. 1, Dec. 17, 2002, 116 Stat. 2891, established Vancouver National Historic Reserve, Washington, directed that Reserve be administered through general management plan submitted by National Park Service to Secretary of the Interior within 3 years after Nov. 12, 1996, developed by partnership of interests including National Park Service, Historic Preservation Office of State of Washington, Department of the Army, and City of Vancouver, Washington, and to include specific findings of Vancouver Historic Reserve Report and to meet with approval of Secretary of the Interior and Secretary of the Army, directed that plan not be deemed new unit of National Park System and not limit authority of Federal Aviation Administration, and authorized appropriations.

GREAT FALLS HISTORIC DISTRICT, NEW JERSEY Pub. L. 104-333, div. I, title V, Sec. 510, Nov. 12, 1996, 110 Stat. 4158, as amended by Pub. L. 106-176, title I, Sec. 110, Mar.

10, 2000, 114 Stat. 26, established Great Falls Historic District in Paterson, New Jersey, and included statement of purposes, definitions, development plan, and provisions relating to cooperative agreements and applications for restoration, preservation and interpretation of properties, and authorization of appropriations.

ALEUTIAN WORLD WAR II NATIONAL HISTORIC AREA Pub. L. 104-333, div. I, title V, Sec. 513, Nov. 12, 1996, 110 Stat. 4165, as amended by Pub. L. 106-176, title I, Sec. 113, Mar.

10, 2000, 114 Stat. 27, cited as "Aleutian World War II National Historic Areas Act of 1996", designated and preserved Aleutian World War II National Historic Area within lands owned by Ounalaska Corporation on Island of Amaknak, Alaska, set boundaries of Historic Area, set terms, conditions, and limitations, and authorized Secretary of the Interior to award grants and provide technical assistance to Ounalaska Corporation and City of Unalaska.

MAINE ACADIAN CULTURE PRESERVATION ACT Pub. L. 101-543, Nov. 8, 1990, 104 Stat. 2389, established Maine Acadian Culture Preservation Commission, prescribed duties of Commission, required Secretary of the Interior within 1 year to prepare and transmit to

Congress a comprehensive study of Acadian culture in Maine, authorized cooperative agreements and establishment of Acadian Culture Center, and authorized appropriations.

HISTORIC RESOURCES OF CAMDEN, SOUTH CAROLINA Pub. L. 97-184, May 24, 1982, 96 Stat. 99, provided: "That (a) in order to assist in the preservation of the nationally significant historic resources associated with the town of Camden, South Carolina, a key location in the development of South Carolina and in military operations in the South during the American Revolution, the Secretary of the Interior is authorized, in accordance with subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666) [section 462(e) of this title], to enter into a cooperative agreement or agreements with the Camden Historical Commission, the Camden District Heritage Foundation, or other appropriate public, governmental, or private nonprofit entities pursuant to which the Secretary may assist in the protection, restoration, and interpretation of such resources for the benefit of the public.

"(b) Beginning October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [this note], but not to exceed $250,000."

EBEY'S LANDING NATIONAL HISTORICAL RESERVE Pub. L. 95-625, title V, Sec. 508, Nov. 10, 1978, 92 Stat. 3507, as amended Pub. L. 96-87, title IV, Sec. 401(k), Oct. 12, 1979, 93 Stat. 666, provided:

"(a) [Establishment, area of reserve] There is hereby established the Ebey's Landing National Historical Reserve (hereinafter referred to as the 'reserve'), in order to preserve and protect a rural community which provides an unbroken historical record from nineteenth century exploration and settlement in Puget Sound to the present time, and to commemorate -

"(1) the first thorough exploration of the Puget Sound area, by Captain George Vancouver, in 1792;

"(2) settlement by Colonel Isaac Neff Ebey who led the first permanent settlers to Whidbey Island, quickly became an important figure in Washington Territory, and ultimately was killed by Haidahs from the Queen Charlotte Islands during a period of Indian unrest in 1857;

"(3) early active settlement during the years of the Donation Land Law (1850-1855) [Sept. 27, 1850, ch. 76, 9 Stat. 496, Feb. 14, 1853, ch. 69, 10 Stat. 158, July 17, 1854, ch. 84, 10 Stat. 305] and thereafter; and

"(4) the growth since 1883 of the historic town of Coupeville.

The reserve shall include the area of approximately eight thousand acres identified as the Central Whidbey Island Historic District.

"(b) [Comprehensive plan; transmittal to Congress] (1) To achieve the purpose of this section, the Secretary, in cooperation with the appropriate State and local units of general government, shall formulate a comprehensive plan for the protection, preservation, and interpretation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to -

"(A) public use and development;

"(B) historic and natural preservation; and "(C) private use subject to appropriate local zoning ordinances designed to protect the historical rural setting.

"(2) Within eighteen months following the date of enactment of this section [Nov. 10, 1978], the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives.

"(c) [Cooperative agreement; land use controls; transfer of management and administration; assistance; grants, limitation of amount] At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted such zoning ordinances or other land use controls which in the judgment of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary may, pursuant to cooperative agreement -

"(1) transfer management and administration over all or any part of the property acquired under subsection (d) of this section to the State or appropriate units of local government;

"(2) provide technical assistance to such State or unit of local government in the management, protection, and interpretation of the reserve; and

"(3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government for the annual costs of operation and maintenance, including but not limited to, salaries of personnel and the protection, preservation, and rehabilitation of the reserve except that no such grant may exceed 50 per centum of the estimated annual cost, as determined by the Secretary, of such operation and maintenance. "(d) [Acquisition of property; administration by Secretary] The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this section by donation, purchase with donated or appropriated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the historic district to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship. "Lands and interests therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535) [sections 1, 2, 3, and 4 of this title], as amended and supplemented, and in a manner consistent with the purpose of this section. "(e) [Management inconsistencies; notification; modifications;

withdrawal; management by Secretary] If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this section, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a ninety-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such ninety-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this section.

"(f) [Authorization of appropriations] There is hereby authorized to be appropriated not to exceed $5,000,000 to carry out the provisions of this section."

SAINT PAUL'S CHURCH, EASTCHESTER Pub. L. 95-625, title V, Sec. 504, Nov. 10, 1978, 92 Stat. 3498, provided:

"(a) [Acquisition of property] In order to preserve and protect Saint Paul's Church, Eastchester, in Mount Vernon, New York, for the benefit of present and future generations, the Secretary may accept any gift or bequest of any property or structure which comprises such church and any other real or personal property located within the square bounded by South Columbus Avenue, South Third Avenue, Edison Avenue, and South Fulton Avenue, in Mount Vernon, New York, including the cemetery located within such square and any real property located within such square which was at any time a part of the old village green, now in Mount Vernon, New York.

"(b) [Administration; repairs; cooperative agreements: management protection, development and interpretation] Any property acquired under subsection (a) shall be administered by the Secretary acting through the National Park Service, in accordance with this section and provisions of law generally applicable to units of the National Park System, including the Act approved August 25, 1916 (16 U.S.C. 1 and following) [sections 1, 2, 3, and 4 of this title] and the Act approved August 21, 1935 [sections 461 to 467 of this title]. The Secretary, in carrying out the provisions of such Acts (i) shall give particular attention to assuring the completion of such structural and other repairs as he considers necessary to restore and preserve any property acquired in accordance with this section, and (ii) may enter into cooperative agreements with other public or private entities for the management, protection, development, and interpretation, in whole or in part, of the property so acquired."

LOWELL HISTORIC CANAL DISTRICT, LOWELL, MASSACHUSETTS Pub. L. 93-645, Jan. 4, 1975, 88 Stat. 2330, provided that:

"Sec. 1. [Lowell Historic Canal District Commission; establishment purpose] For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contribution to our national heritage of certain historic and cultural lands, waterways, and edifices in the city of Lowell, Massachusetts (the cradle of the industrial revolution in America as well as America's first planned industrial city) with emphasis on harnessing this unique urban environment for its educational value as well as for recreation, there is hereby established the Lowell Historic Canal District Commission (hereinafter referred to as the 'Commission'), the purpose of which shall be to prepare a plan for the preservation, interpretation, development, and use, by public and private entities, of the historic, cultural, and architectural resources of the Lowell Historic Canal District in the city of Lowell, Massachusetts.

"Sec. 2. [Membership; alternate members; compensation] (a) The Commission shall consist of nine members, as follows:

"(1) the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Commerce, all ex officio; and

"(2) five members appointed by the Secretary of the Interior, one of whom shall be the Director of the National Park Service, two of whom shall be appointed from recommendations submitted by the manager of the city of Lowell, and two of whom shall be appointed from recommendations submitted by the Governor of the Commonwealth of Massachusetts. The members appointed pursuant to this paragraph shall have knowledge and experience in one or more of the fields of history, architecture, the arts, recreation planning, city planning, or government. "(b) Each member of the Commission specified in paragraph (1) of subsection (a) and the Director of the National Park Service may designate an alternate official to serve in his stead. Members appointed pursuant to paragraph (2) of subsection (a) who are officers or employees of the Federal Government, the city of Lowell, or the Commonwealth of Massachusetts, shall serve without compensation as such. Other members, when engaged in activities of the Commission, shall be entitled to compensation at the rate of not to exceed $100 per diem. All members of the Commission shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Commission. "Sec. 3. [Personnel; financial and administrative services] (a) The Commission shall elect a Chairman from among its members.

Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided for the Commission by the General Services Administration, for which payments shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator, General Services Administration: Provided, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a

Commission employee, and regulations of said Secretary for the administrative control of funds shall apply to appropriations of the Commission: And provided further, That the Commission shall not be required to prescribe such regulations.

"(b) The Commission shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949 [see sections 5101 et seq. and 5331 et seq. of Title 5, Government Organization and Employees].

"(c) The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949 [see sections 5101 et seq. and 5331 et seq. of Title 5], temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 [see section 3109 of Title 5], but at rates not to exceed $100 per diem for individuals.

"(d) The members of the Commission specified in paragraph (1) of section 2(a) shall provide the Commission, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Commission to carry out its duties, to the extent that such facilities and services are requested by the Commission and are otherwise available for that purpose. To the extent of available appropriations, the Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties. Upon the termination of the Commission all property, personal and real, and unexpended funds shall be transferred to the Department of the Interior.

"Sec. 4. [Plan for preservation, etc., contents; time] It shall be the duty of the Commission to prepare the plan referred to in the first section of this Act, and to submit the plan together with any recommendations for additional legislation, to the Congress not later than two years from the effective date of this Act. The plan for the Lowell Historic Canal District shall include considerations and recommendations, without limitation, regarding (1) the objectives to be achieved by the establishment, development, and operation of the area; (2) the types of use, both public and private, to be accommodated; (3) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (4) a program for the staging of development; (5) the anticipated interpretive, cultural, and recreational programs and uses for the area; (6) the proposed ownership and operation of all structures, facilities, and lands; (7) areas where cooperative agreements may be anticipated; (8) estimates of costs, both public and private, of implementing the plan; and (9) procedures to be used in implementing and insuring continuing conformance to the plan.

"Sec. 5. [Termination of Commission] The Commission shall be dissolved (1) upon the termination, as determined by its members, of need for its continued existence for the implementation of the plan and the operation or coordination of the entity established by the plan, or (2) upon expiration of a two-year period commencing on the effective date of this Act, whereupon the completed plan has not been submitted to the Congress, whichever occurs first.

"Sec. 6. [Contemplated authorizations] It is contemplated that the plan to be developed may propose that the Commission may be authorized to -

"(1) acquire lands and interests therein within the Lowell Historic Canal District by purchase, lease, donation, or exchange;

"(2) hold, maintain, use, develop, or operate buildings, facilities, and any other properties;

"(3) sell, lease, or otherwise dispose of real or personal property as necessary to carry out the plan;

"(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the Commonwealth of Massachusetts, and any governmental unit within its boundaries, or any person, firm, association, or corporation as may be necessary;

"(5) establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, use, and protection of the Lowell Historic Canal District in accordance with the plan; and

"(6) borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts on the basis of obligations issued by the Commission in accordance with terms and conditions approved by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any such obligations of the Commission. "Sec. 7. [Title to property] Title to property of the Commission shall be in the name of the Commission, but it shall not be subject to any Federal, State, or municipal taxes. "Sec. 8. [Authorization of appropriations] There are authorized to be appropriated not to exceed $150,000 for the preparation of the plan authorized by this Act."

PROC. NO. 3339. ESTABLISHMENT OF KEY LARGO CORAL REEF PRESERVE

Proc. No. 3339, Mar. 15, 1960, 25 F.R. 2352, provided:

WHEREAS there is situated seaward from the coast of Key Largo, Florida, an undersea coral reef formation which is part of the only living coral reef formation along the coast of North America; and

WHEREAS this unique coral formation and its associated marine life are of great scientific interest and value to students of the sea; and

WHEREAS this coral reef is considered to be one of the most beautiful formations of its kind in the world; and

WHEREAS the reef is being subjected to commercial exploitation and is in danger of destruction; and

WHEREAS it is in the public interest to preserve this formation of great scientific and esthetic importance for the benefit and enjoyment of the people; and

WHEREAS a portion of this reef lies inside the three-mile limit in the area relinquished to the State of Florida by the United States through the Submerged Lands Act, approved May 22, 1953 (67 Stat. 29; 43 U.S.C. 1301 et seq.), and the remainder lies on the sea bed of the outer Continental Shelf outside the seaward boundary of the State of Florida and appertains to the United States, as declared by the Outer Continental Shelf Lands Act, approved August 7, 1953 (67 Stat. 462; 43 U.S.C. 1331 et seq.); and

WHEREAS the United States and the State of Florida are desirous of cooperating for the purpose of preserving the scenic and scientific values of this area unimpaired for the benefit of future generations; and

WHEREAS by the terms of the Outer Continental Shelf Lands Act the United States has jurisdiction over the lands of the outer Continental Shelf and has the exclusive right to dispose of the natural resources of the sea bed and subsoil thereof; and

WHEREAS section 12(a) of the Outer Continental Shelf Lands Act [subsec. (a) of section 1341 of Title 43, Public Lands] authorizes the President to withdraw from disposition any of the unleased lands of the outer Continental Shelf; and

WHEREAS section 5 of the Outer Continental Shelf Lands Act [section 1334 of Title 43]

authorizes the Secretary of the Interior to prescribe rules and regulations for the conservation of the natural resources of the outer Continental Shelf and to cooperate with the conservation agencies of adjacent States in the enforcement of conservation laws, rules, and regulations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly section 12(a) of the Outer Continental Shelf Lands Act [subsec. (a) of section 1341 of Title 43], do proclaim that, subject to valid existing rights, the following-described area is designated as the Key Largo Coral Reef Preserve, and so much thereof as lies on the outer Continental Shelf is withdrawn from disposition:

That portion of the outer Continental Shelf situated seaward of a line three geographic miles from Key Largo, Monroe County, Florida, lying and being within the following described area:

Beginning at a point on the 60-foot depth curve (10-fathom line) as delineated on Coast and Geodetic Survey Chart 1249 (approximate Latitude 25º1736 N., Longitude 80º1000 W.), 200 yards southeast of Flashing White Light - Whistle Buoy "2"; thence northwesterly approximately 7,000 yards through Whistle Buoy "2" to Can Buoy "21" (approximate Latitude 25º2006 N., Longitude 80º1236 W.) southeast of Old Rhodes Key; thence southwesterly about 6,900 yards to Can Buoy "25"; thence southwesterly approximately 5,500 yards to Can Buoy "27"; thence southwesterly approximately 5,000 yards to Flashing Green Light "31BH" in Hawk Channel southeast of Point Elizabeth; thence southwesterly approximately 10,650 yards to Black Day Beacon "33" in Hawk Channel east of Point Willie; thence southwesterly approximately 9,800 yards to Flashing White Light "35" on Mosquito Bank east of Point Charles; thence southwesterly approximately 5,400 yards to Black Day Beacon "37" (approximate Latitude 25º0225 N., Longitude 80º2536 W.), southeast of Rodriguez Key; thence southeasterly approximately 7,100 yards (pass 600 yards southwest of Flashing Light "2" at Molasses Reef) to the 60-foot depth curve (10-fathom line) 800 yards due south of said light at Molasses Reef (approximate Latitude 25º0018 N., Longitude 80º2230 W.); thence northeasterly with the 60-foot depth curve and 10-fathom line (passing easterly of French Reef, Dixie Shoal, The Elbow, and Carysfort Reef) approximately 21 miles to the point of beginning.

I call upon all persons to join in the effort to protect and preserve this natural wonder for the benefit of future generations.

The Secretary of the Interior is requested to prescribe rules and regulations governing the protection and conservation of the coral and other mineral resources in this area and to cooperate with the State of Florida and its conservation agencies in the preservation of the reef.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of March in the year of our Lord nineteen hundred and sixty, and of the Independence of the United States of America the one hundred and eighty-fourth.

Dwight D. Eisenhower.

§462. Administration by Secretary of the Interior; powers and duties enumerated

The Secretary of the Interior (hereinafter in sections 461 to 467 of this title referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 461 of this title, shall have the following powers and perform the following duties and functions:

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeologic sites, buildings, and objects.

(b) Make a survey of historic and archaeologic sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological facts and information concerning the same.

(d) For the purpose of sections 461 to 467 of this title, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: Provided, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: Provided further, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeologic building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: Provided, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological significance.

(h) Operate and manage historic and archaeologic sites, buildings, and properties acquired under the provisions of sections 461 to 467 of this title together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: Provided, That the Secretary may grant such concessions, leases, or permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids.

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeologic site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

(j) Develop an educational program and service for the purpose of making available to the

public facts and information pertaining to American historic and archaeologic sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 461 to 467 of this title as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than $500 and be adjudged to pay all cost of the proceedings.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 2, 49 Stat. 666; Pub. L. 89-249, Sec. 8, Oct. 9, 1965, 79 Stat. 971.)

AMENDMENTS

1965 - Subsec. (h). Pub. L. 89-249 changed proviso to allow granting concessions, leases, and permits and entering into contracts with responsible persons, firms, or corporations without advertising and without securing competitive bids.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, Secs. 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

FINANCIAL ASSISTANCE FOR MAINTENANCE AND PROTECTION OF FOLGER LIBRARY AND CORCORAN GALLERY OF ART; LIMITATION ON CONTRACT AUTHORITY

Pub. L. 96-344, Sec. 1, Sept. 8, 1980, 94 Stat. 1133, provided: "That (a) in furtherance of the purposes of subsection 2(e) of the Act of August 21, 1935 (49 Stat. 666) [subsec. (e) of this section], the Secretary of the Interior may provide financial assistance for the maintenance and protection of the Folger Library and the Corcoran Gallery of Art.

"(b) Authority to enter into contracts or cooperative agreements, to incur obligations, or to make payments under this Act [Pub. L. 96-344, Sept. 8, 1980, 94 Stat. 1133] shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts."

§463. National Park System Advisory Board

(a) Establishment; composition; duties

There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the

following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 (!1) of chapter 57 of title 5. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of sections 461 to 467 of this title, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.

(b) Staff; applicability of Federal law

(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5 or comparable provisions of Federal law.

(c) Authority of Board

(1) Upon request of the Director, the Board is authorized to -

(A) hold such hearings and sit and act at such times, (B) take such testimony, (C) have such printing and binding done, (D) enter into such contracts and other arrangements.(!2) (E) make such expenditures, and (F) take such other actions, as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

(d) Federal Advisory Committee Act

The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

(e) Cooperation of Federal agencies; use of mails

(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to (!3) the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

(f) Termination

The National Park System Advisory Board shall continue to exist until January 1, 2010. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(g) National Park Service Advisory Council

There is hereby established the National Park Service Advisory Council (hereafter in this section referred to as the "advisory council") which shall provide advice and counsel to the National Park System Advisory Board. Membership on the advisory council shall be limited to those individuals whose term on the advisory board has expired. Such individuals may serve as long as they remain active except that not more than 12 members may serve on the advisory council at any one time. Members of the advisory council shall not have a vote on the National Park System Advisory Board. Members of the advisory council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. Initially, the Secretary shall choose 12 former members of the Advisory Board to constitute the advisory council. In so doing, the Secretary shall consider their professional expertise and demonstrated commitment to the National Park System and to the Advisory Board.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 3, 49 Stat. 667; Pub. L. 91-383, Sec. 9, Aug. 18, 1970, as added Pub. L. 94-458, Sec. 2, Oct. 7, 1976, 90 Stat. 1940; amended Pub. L. 95-625, title VI, Sec. 604(2), Nov. 10, 1978, 92 Stat. 3518; Pub. L. 101-628, title XII, Secs. 1211, 1212, Nov. 28, 1990, 104 Stat. 4507; Pub. L. 104-333, div. I, title VIII, Sec. 814(f)(1), Nov. 12, 1996, 110 Stat. 4197; Pub. L. 109-156, Sec. 5, Dec. 30, 2005, 119 Stat. 2948; Pub. L. 110-161, div. F, title I, Dec. 26, 2007, 121 Stat. 2107; Pub. L. 111-8, div. E, title I, Mar. 11, 2009, 123 Stat. 710.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsecs. (d) and (f), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2009 - Subsec. (f). Pub. L. 111-8 substituted "2010" for "2009".

2007 - Subsec. (f). Pub. L. 110-161 substituted "2009" for "2007".

2005 - Subsec. (f). Pub. L. 109-156 substituted "2007" for "2006".

1996 - Subsec. (a). Pub. L. 104-333, Sec. 814(f)(1)(A), substituted provisions relating to establishment of Board, its purpose, advisory duties, members' terms, composition, first meeting, vacancies, rules, and members' compensation for "A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed sixteen persons, citizens of the United States who have a demonstrated commitment to the National Park System, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, anthropology, biology, geology, and related disciplines, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members." Subsecs. (b) to (e). Pub. L. 104-333, Sec. 814(f)(1)(C), added subsecs. (b) to (e). Former subsecs. (b) and (c) redesignated (f) and (g), respectively.

Subsec. (f). Pub. L. 104-333, Sec. 814(f)(1)(B), redesignated former subsec. (b) as (f) and substituted "2006" for "1995".

Subsec. (g). Pub. L. 104-333, Sec. 814(f)(1)(B), redesignated former subsec. (c) as (g).

1990 - Subsec. (a). Pub. L. 101-628, Sec. 1211(1), (2), substituted "sixteen" for "twelve", "United States who have a demonstrated commitment to the National Park System," for "United States," and "anthropology, biology, geology, and related disciplines," for "and natural science," and inserted at end "Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations." Subsec. (b). Pub. L. 101-628, Sec. 1211(3), (4), substituted "1995" for "1990" and "The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in" for "In".

Subsec. (c). Pub. L. 101-628, Sec. 1212, added subsec. (c).

1978 - Subsec. (a). Pub. L. 95-625 increased Board membership to twelve from eleven.

1976 - Pub. L. 91-383, Sec. 9, as added by Pub. L. 94-458, renamed the Advisory Board on National Parks, Historic Sites, Buildings and Monuments as the National Park System Advisory Board, substituted natural science for human geography as a field from which member selection may be made, limited appointment term to four years rather than at pleasure of Secretary, eliminated duty of Board to make recommendations concerning use of surplus property as an historic monument, provided for continuation of Board until Jan. 1, 1990, and made it subject to the provisions of the Federal Advisory Committee Act.

EFFECTIVE DATE OF 2005 AMENDMENT Pub. L. 109-156, Sec. 5, Dec. 30, 2005, 119 Stat. 2948, provided that the amendment made by section 5 is effective Jan. 1, 2006.

667; 16 U.S.C. 463)."

NEW YORK CITY NATIONAL SHRINES ADVISORY BOARD

Act Aug. 11, 1955, ch. 779, Secs. 1, 2, 69 Stat. 632, as amended by Pub. L. 85-658, Aug. 14,

1958, 72 Stat. 613, provided for the appointment of an advisory board, to be known as the New York City National Shrines Advisory Board, to render advice to the Secretary of the Interior and to further public participation in the rehabilitation, development and the preservation of those historic properties in the New York City area that are of great national significance, identified as the Federal Hall National Memorial, Castle Clinton National Monument, and the Statue of Liberty National Monument, to conduct a study of these historic properties, and to submit recommendations concerning their preservation and administration to the Secretary of the Interior, such report and recommendations of the Board to be transmitted to the Congress by the Secretary of the Interior, together with his recommendations thereon, within one year following the date of the establishment of the Board, and with the Board to cease to exist when the Secretary of the Interior found that its purposes had been accomplished. The Secretary of the Interior was authorized to accept donations of funds for rehabilitation, development and preservation of the historic properties including any made upon condition that such funds are to be expended only if Federal funds in an amount equal to the donated funds are appropriated for such purposes.

FEDERAL HALL NATIONAL MEMORIAL Act Aug. 11, 1955, ch. 779, Sec. 3, 69 Stat. 633, provided that the Federal Hall Memorial National Historic Site, established pursuant to the Historic Sites Act of August 21, 1935 (49 Stat.

666) [sections 461 to 467 of this title], should thereafter be known as the "Federal Hall National Memorial".

(!1) So in original. Probably should be subchapter "I".

§464. Cooperation with governmental and private agencies

(a) (!1) Authorization

The Secretary, in administering sections 461 to 467 of this title, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

(b) Advisory committees

When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

(c) Employment of assistance

Such professional and technical assistance may be employed, and such service may be established as may be required to accomplish the purposes of sections 461 to 467 of this title and for which money may be appropriated by Congress or made available by gifts for such purpose.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 4, 49 Stat. 668.)

CODIFICATION

In subsec. (c), provisions that authorized employment of professional and technical assistance "without regard to the civil- service laws" were omitted as such employment is subject to the civil service laws unless specifically excepted by such laws or by laws enacted

subsequent to Executive Order 8743, Apr. 23, 1941, issued by the President pursuant to the Act of Nov. 26, 1940, ch. 919, title I, Sec. 1, 54 Stat. 1211, which covered most excepted positions into the classified (competitive) civil service. The Order is set out as a note under section 3301 of Title 5, Government Organization and Employees.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2- year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

(!1) Subsection designation "(a)" supplied.

§465. Jurisdiction of States in acquired lands

Nothing in sections 461 to 467 of this title shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 5, 49 Stat. 668.)

§466. Requirement for specific authorization

(a) In general

Except as provided in subsection (b) of this section, notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 462(e) or 462(f) of this title may be obligated or expended after October 30, 1992 -

(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after October 30, 1992.

(b) Savings provision

Nothing in this section shall prohibit or limit the expenditure or obligation of any funds appropriated prior to January 1, 1993.

(c) Authorization of appropriations

Except as provided by subsection (a) of this section, there is authorized to be appropriated for carrying out the purposes of sections 461 to 467 of this title such sums as the Congress may from time to time determine.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 6, 49 Stat. 668; Pub. L. 102-575, title XL, Sec. 4023, Oct. 30, 1992, 106 Stat. 4768.)

CODIFICATION

October 30, 1992, referred to in subsec. (a), was in the original "the date of enactment of this section" and "such date", which were translated as meaning the date of enactment of Pub. L. 102-575 which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

1992 - Pub. L. 102-575 amended section generally. Prior to amendment, section read as follows: "There is authorized to be appropriated for carrying out the purposes of sections 461 to 467 of this title such sums as the Congress may from time to time determine."

§467. Conflict of laws

The provisions of sections 461 to 467 of this title shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.

SOURCE

(Aug. 21, 1935, ch. 593, Sec. 7, 49 Stat. 668.)

§467a. Repealed.

Sec. 467a. Repealed. Pub. L. 96-586, Sec. 4(a)(1), (b), Dec. 23,

1980, 94 Stat. 3386.

Section, Pub. L. 92-527, Sec. 1, Oct. 21, 1972, 86 Stat. 1049, authorized the Secretary of the Interior to accept, maintain, develop, and administer the Mar-A-Lago National Historic Site described in the order of designation dated Jan. 16, 1969, as part of the national park system and directed the Secretary to enter into agreements and take such action as deemed necessary to provide for administration and use of the Mar-A-Lago National Historic Site as a temporary residence for visiting foreign dignitaries or heads of state or members of the executive branch of the United States Government, with any further use determined by the Secretary after conferring with the Mar-A-Lago National Historic Site Advisory Commission.

EFFECTIVE DATE OF REPEAL For effective date of repeal, see Pub. L. 96-586, Sec. 4, Dec.

23, 1980, 94 Stat. 3386, set out as a note below.

REPEALS, REDESIGNATIONS, CONVEYANCES, ETC., INVOLVING MAR-A-LAGO NATIONAL HISTORIC SITE

Pub. L. 96-586, Sec. 4, Dec. 23, 1980, 94 Stat. 3386, provided that:

"(a)(1) Effective upon the conveyance or transfer authorized in subsection b, the Act of October 21, 1972, entitled 'An Act to provide for the administration of the Mar-A-Lago National Historic Site, in Palm Beach, Florida' [sections 467a and 467a-1 of this title] is repealed.

"(2) The order of designation of the Mar-A-Lago National Historic Site, dated January 16, 1969, is repealed and the site described therein is hereby designated as the Mar-A-Lago National Historic Landmark.

"(b) The Secretary of the Interior shall, within one hundred and twenty days of the date of enactment of this Act [Dec. 23, 1980], take such measures, consistent with the terms and conditions of the deed of conveyance from Marjorie M. Post to the United States of America, dated December 18, 1972, as may be necessary to transfer the property described in the order of designation of the Mar-A- Lago National Historic Site to the Majorie [sic] Merriweather Post Foundation of the District of Columbia (a charitable foundation organized under the District of Columbia Nonprofit Corporation Act).

"(c) The Secretary is authorized upon conveyance, to make appropriate adjustments in the funds available for the administration and management of the property, including but not limited to, return of unobligated donated funds to the trustees of the Marjorie Merriweather Post Foundation of the District of Columbia, and reprogram existing appropriations to related functions and activities of the National Park Service."

§467a-1. Repealed.

Sec. 467a-1. Repealed. Pub. L. 96-586, Sec. 4(a)(1), (b), Dec. 23,

1980, 94 Stat. 3386.

Section, Pub. L. 92-527, Sec. 2, Oct. 21, 1972, 86 Stat. 1049, established the Mar-A-Lago National Historic Site Advisory Commission and provided for its membership, term of office, designation of a Chairman, filling of vacancies, compensation and expenses, consultations on general policies and specific matters related to administration of the site, and voting.

EFFECTIVE DATE OF REPEAL For effective date of repeal, see Pub. L. 96-586, Sec. 4, Dec.

23, 1980, 94 Stat. 3386, set out as a note under section 467a of this title.

§467b. Survey by Secretary of the Interior of sites for commemoration of former Presidents of the United States

(a) Authority to conduct survey

The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to conduct a survey of sites which he deems exhibit qualities most appropriate for the commemoration of each former President of the United States. The survey may include sites associated with the deeds, leadership, or lifework of a former President, and it may identify sites or structures historically unrelated to a former President but which may be suitable as a memorial to honor such President.

(b) Preparation and transmittal to Congressional committees of

reports on individual sites and structures The Secretary shall, from time to time, prepare and transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate reports on individual sites and structures identified in the survey referred to in subsection (a) of this

section, together with his recommendation as to whether such site or structure is suitable for establishment as a national historic site or national memorial to commemorate a former President. Each such report shall include pertinent information with respect to the need for acquisition of lands and interests therein, the development of facilities, and the operation and maintenance of the site or structure and the estimated cost thereof. If during the six-month period following the transmittal of a report pursuant to this subsection neither Committee has by vote of a majority of its members disapproved a recommendation of the Secretary that a site or structure is suitable for establishment as a national historic site, the Secretary may thereafter by appropriate order establish the same as a national historic site, including the lands and interests therein identified in the report accompanying his recommendation. The Secretary may acquire the lands and interests therein by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, and he shall administer the site in accordance with sections 1, 2, 3, and 4 of this title, as amended and supplemented, and sections 461 to 467 of this title, as amended.

(c) Prohibited statutory constructions

Nothing in this section shall be construed as diminishing the authority of the Secretary under sections 461 to 467 of this title or as authorizing the Secretary to establish any national memorial, creation of which is hereby expressly reserved to the Congress.

(d) Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SOURCE

(Pub. L. 96-199, title I, Sec. 120, Mar. 5, 1980, 94 Stat. 73; Pub. L. 103-437, Sec. 6(d)(26), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994 - Subsec. (b). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

§468. National Trust for Historic Preservation in the United States; creation; purpose

In order to further the policy enunciated in sections 461 to 467 of this title, and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is created a charitable, educational, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States, hereafter referred to as the "National Trust". The purposes of the National Trust shall be to receive donations of sites, buildings, and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program, and to execute such other functions as are vested in it by sections 468 to 468d of this title.

SOURCE

(Oct. 26, 1949, ch. 755, Sec. 1, 63 Stat. 927.)

RESERVATION OF RIGHTS

Section 7 of act Oct. 26, 1949, provided that: "The right to repeal, alter or amend this Act [sections 468 to 468d of this title] at any time is hereby expressly reserved, but no contract or individual right made or acquired shall thereby be divested or impaired."

§468a. Principal office of National Trust Commission

The National Trust shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be an inhabitant and resident thereof. The National Trust may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

SOURCE

(Oct. 26, 1949, ch. 755, Sec. 2, 63 Stat. 927.)

§468b. Administration of National Trust; composition of board of trustees; terms of office; compensation; expenses

The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows: The Attorney General of the United States; the Secretary of the Interior; and the Director of the National Gallery of Art, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. The Attorney General, and the Secretary of the Interior, when it appears desirable in the interest of the conduct of the business of the board and to such extent as they deem it advisable, may, by written notice to the National Trust, designate any officer of their respective departments to act for them in the discharge of their duties as a member of the board of trustees. The number of general trustees shall be fixed by the Board of Trustees of the National Trust and shall be chosen by the members of the National Trust from its members at any regular meeting of said National Trust. The respective terms of office of the general trustees shall be as prescribed by said board of trustees but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner and shall have a term expiring five years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. No compensation shall be paid to the members of the board of trustees for their services as such members, but they shall be reimbursed for travel and actual expenses necessarily incurred by them in attending board meetings and performing other official duties on behalf of the National Trust at the direction of the board.

SOURCE

(Oct. 26, 1949, ch. 755, Sec. 3, 63 Stat. 928; July 28, 1953, ch. 255, 67 Stat. 228.)

AMENDMENTS

1953 - Act July 28, 1953, provided that the general trustees be elected by members of the trust rather than by the National Council for Historic Sites and Buildings.

§468c. Powers and duties of National Trust

To the extent necessary to enable it to carry out the functions vested in it by sections 468 to 468d of this title, the National Trust shall have the following general powers:

(a) To have succession until dissolved by Act of Congress, in which event title to the properties of the National Trust, both real and personal, shall, insofar as consistent with existing contractual obligations and subject to all other legally enforceable claims or demands by or against the National Trust, pass to and become vested in the United States of America.

(b) To sue and be sued in its corporate name.

(c) To adopt, alter, and use a corporate seal which shall be judicially noticed.

(d) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under sections 468 to 468d of this title, including among other matter, bylaws, rules, and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the board of trustees.

(e) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, shall be placed in such depositories as the National Trust shall determine and shall be subject to expenditure by the National Trust for its corporate purposes.

(f) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(g) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection therewith for public use, regardless of whether the National Trust has acquired title to such properties, or any interest therein.

(h) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(i) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust may determine.

(j) And generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

. .

SOURCE

(Oct. 26, 1949, ch. 755, Sec. 4, 63 Stat. 928.)

§468d. Consultation with Advisory Board on National Parks, Historic Sites, Buildings, and Monuments

In carrying out its functions under sections 468 to 468d of this title, the National Trust is authorized to consult with the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant hereto.

SOURCE

(Oct. 26, 1949, ch. 755, Sec. 5, 63 Stat. 929.)

§468e. Repealed.

Sec. 468e. Repealed. Pub. L. 86-533, Sec. 1(19), June 29, 1960, 74

Stat. 248.

Section, act Oct. 26, 1949, ch. 755, Sec. 6, 63 Stat. 929, required the National Trust to report to the Congress its proceedings and activities.

§469. Preservation of historical and archeological data threatened by dam construction or alterations of terrain

It is the purpose of sections 469 to 469c-1 of this title to further the policy set forth in sections 461 to 467 of this title, by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

SOURCE

(Pub. L. 86-523, Sec. 1, June 27, 1960, 74 Stat. 220; Pub. L. 93- 291, Sec. 1(1), May 24, 1974, 88 Stat. 174.)

AMENDMENTS

1974 - Pub. L. 93-291 designated existing provisions as cl. (1) and added cl. (2).

§469a. Notice of dam construction to be given Secretary of the Interior by United States agencies

Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior (hereafter referred to as the Secretary) setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: Provided, That with respect to any flood water retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds, or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

SOURCE

(Pub. L. 86-523, Sec. 2, formerly Sec. 2(a), June 27, 1960, 74 Stat. 220, renumbered and amended Pub. L. 93-291, Sec. 1(2), (5), May 24, 1974, 88 Stat. 174, 175.)

AMENDMENTS

1974 - Pub. L. 93-291 struck out designation "(a)" before and, in the resulting unlettered provisions, inserted "(hereafter referred to as the Secretary)" after "Secretary of the Interior". Subsecs.

(b) to (e) were disposed of as follows: subsec. (b) was transferred and amended, and as so transferred and amended, is set out as sections 469a-1 and 469a-2 of this title, subsecs. (c) and (e) were redesignated as subsecs. (a) and (b), respectively, of section 469a- 3 of this title, and subsec. (d) was struck out.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under sections 469 to 469c of this title and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with sections 469 to 469c of this title with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§469a-1. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects; notice to Secretary of the Interior; survey; recovery, preservation, and protection of data

(a) Notification and request for preservation of data

Whenever any Federal agency finds, or is notified, in writing, by an appropriate historical or archeological authority, that its activities in connection with any Federal construction project or federally licensed project, activity, or program may cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or it may, with funds appropriated for such project, program, or activity, undertake such activities. Copies of reports of any investigations made pursuant to this section shall be submitted to the Secretary, who shall make them available to the public for inspection and review.

(b) Survey of site; preservation of data; compensation

Whenever any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if he determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may with funds appropriated expressly for this purpose conduct, with the consent of all persons, associations, or public entities having a legal interest in the property involved, a survey of the affected site and undertake the recovery, protection, and preservation of such data (including analysis and publication). The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned lands.

SOURCE

(Pub. L. 86-523, Sec. 3, as added Pub. L. 93-291, Sec. 1(3), May 24, 1974, 88 Stat. 174.)

PRIOR PROVISIONS

A prior section 3 of Pub. L. 86-523 was renumbered section 6 and is classified to section 469b of this title.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior and Secretary or other official in Department of Agriculture to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 469a of this title.

§469a-2. Survey by Secretary of the Interior; recovery and preservation of data; compensation for delays in construction and for temporary loss of use of land

(a) Survey conducted; preservation of data

The Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if he determines that such data is significant and is being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being, but should be, recovered and preserved in the public interest.

(b) Emergency projects

No survey or recovery work shall be required pursuant to this section which, in the determination of the head of the responsible agency, would impede Federal or federally assisted or licensed projects or activities undertaken in connection with any emergency, including projects or activities undertaken in anticipation of, or as a result of, a natural disaster.

(c) Initiation of survey

The Secretary shall initiate the survey or recovery effort within sixty days after notification to him pursuant to subsection (a) of this section or within such time as may be agreed upon with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) Compensation by Secretary

The Secretary shall, unless otherwise mutually agreed to in writing, compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned land.

SOURCE

(Pub. L. 86-523, Sec. 4, as added Pub. L. 93-291, Sec. 1(3), May 24, 1974, 88 Stat. 174.)

PRIOR PROVISIONS

A prior section 4 of Pub. L. 86-523 was renumbered section 7 and is classified to section 469c of this title.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior and Secretary or other official in Department of Agriculture to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 469a of this title.

§469a-3. Progress reports by Secretary of the Interior on surveys and work undertaken as result of surveys; disposition of relics and specimens recovered; coordination of survey and recovery activities; annual report

(a) Progress reports to funding or licensing agency

The Secretary shall keep the agency responsible for funding or licensing the project notified at all times of the progress of any survey made under sections 469 to 469c of this title or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement.

(b) Disposition of relics and specimens

The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and private institutions and qualified individuals, with a view to determining the ownership of and the most appropriate repository for any relics and specimens recovered as a result of any work performed as provided for in this section.

(c) Coordination of activities; annual report

The Secretary shall coordinate all Federal survey and recovery activities authorized under sections 469 to 469c-1 of this title.

SOURCE

(Pub. L. 86-523, Sec. 5, formerly Sec. 2(c), (e), June 27, 1960, 74 Stat. 220, renumbered and amended Pub. L. 93-291, Sec. 1(4), (6), (7), May 24, 1974, 88 Stat. 175; Pub. L. 96-205, title VI, Sec. 608(b)(1), Mar. 12, 1980, 94 Stat. 92; Pub. L. 103-437, Sec. 6(d)(27), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, Sec. 814(d)(2)(B), Nov. 12, 1996, 110 Stat. 4196.)

AMENDMENTS

1996 - Subsec. (c). Pub. L. 104-333 inserted period after "469c-1 of this title" and struck out at end "and shall submit an annual report at the end of each fiscal year to the Committee on Natural Resources of the House of Representatives and Committee on Energy and Natural Resources of the Senate indicating the scope and effectiveness of the program, the specific projects surveyed and the results produced, and the costs incurred by the Federal Government as a result thereof." 1994 - Subsec. (c). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1980 - Subsec. (c). Pub. L. 96-205 substituted references to the House Committee on Interior and Insular Affairs and Senate Committee on Energy and Natural Resources, for reference to Interior and Insular Affairs Committees of the Congress.

1974 - Subsec. (a). Pub. L. 93-291, Sec. 1(4), (6), redesignated subsec. (c) of section 469a of this title as subsec. (a) of this section and substituted "agency responsible for funding or licensing the project" for "instigating agency" and "agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement" for "agency".

Subsec. (b). Pub. L. 93-291, Sec. 1(6), redesignated subsec. (e) of section 469a of this title as subsec. (b) of this section.

Subsec. (c). Pub. L. 93-291, Sec. 1(7), added subsec. (c).

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior and Secretary or other official in Department of Agriculture to Federal Inspector,

Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 469a of this title.

§469b. Administration; contracts or agreements; services of experts, consultants, or organizations; acceptance of funds

In the administration of sections 469 to 469c-1 of this title, the Secretary may -

(1) enter into contracts or make cooperative agreements with any Federal or State agency, any educational or scientific organization, or any institution, corporation, association, or qualified individual; and

(2) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5; and (3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to him by any Federal agency.

SOURCE

(Pub. L. 86-523, Sec. 6, formerly Sec. 3, June 27, 1960, 74 Stat. 221, renumbered and amended Pub. L. 93-291, Sec. 1(8), May 24, 1974, 88 Stat. 175.)

AMENDMENTS

1974 - Par. (2). Pub. L. 93-291 substituted "obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5" for "procure the temporary or intermittent services of experts or consultants or organizations thereof as provided in section 55a of title 5".

Par. (3). Pub. L. 93-291 substituted "or corporation or transferred to him by any Federal agency" for "or corporations holding a license issued by an agency of the United States for the construction of a dam or other type of water or power control project".

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior and Secretary or other official in Department of Agriculture to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 469a of this title.

§469c. Assistance to Secretary of the Interior by Federal agencies responsible for construction projects; authorization of appropriations

(a) Assistance of Federal agencies

To carry out the purposes of sections 469 to 469c-1 of this title, any Federal agency responsible for a construction project may assist the Secretary and/or it may transfer to him

such funds as may be agreed upon, but not more than 1 per centum of the total amount authorized to be appropriated for such project, except that the 1 per centum limitation of this section shall not apply in the event that the project involves $50,000 or less: Provided, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

(b) Authorization of appropriations for preservation of data

For the purposes of section 469a-1(b) of this title, there are authorized to be appropriated such sums as may be necessary, but not more than $500,000 in fiscal year 1974; $1,000,000 in fiscal year 1975; $1,500,000 in fiscal year 1976; $1,500,000 in fiscal year 1977; $1,500,000 in fiscal year 1978; $500,000 in fiscal year 1979; $1,000,000 in fiscal year 1980; $1,500,000 in fiscal year 1981; $1,500,000 in fiscal year 1982; and $1,500,000 in fiscal year 1983.

(c) Authorization of appropriations for surveys and investigations

For the purposes of section 469a-2(a) of this title, there are authorized to be appropriated not more than $2,000,000 in fiscal year 1974; $2,000,000 in fiscal year 1975; $3,000,000 in fiscal year 1976; $3,000,000 in fiscal year 1977; $3,000,000 in fiscal year 1978; $3,000,000 in fiscal year 1979; $3,000,000 in fiscal year 1980; $3,500,000 in fiscal year 1981; $3,500,000 in fiscal year 1982; and $4,000,000 in fiscal year 1983.

(d) Availability of appropriations

Beginning fiscal year 1979, sums appropriated for purposes of this section shall remain available until expended.

SOURCE

(Pub. L. 86-523, Sec. 7, formerly Sec. 4, June 27, 1960, 74 Stat. 221, renumbered and amended Pub. L. 93-291, Sec. 1(9), May 24, 1974, 88 Stat. 175; Pub. L. 95-625, title VI, Sec. 603, Nov. 10, 1978, 92 Stat. 3518.)

AMENDMENTS

1978 - Subsec. (b). Pub. L. 95-625, Sec. 603(a), (b), authorized appropriation of $500,000 for fiscal year 1979, $1,000,000 for fiscal year 1980, and $1,500,000 for fiscal years 1981 through 1983.

Subsec. (c). Pub. L. 95-625, Sec. 603(a), (c), authorized appropriation of $3,000,000 for fiscal years 1979, and 1980, $3,500,000 for fiscal years 1981, and 1982, and $4,000,000 for fiscal year 1983.

Subsec. (d). Pub. L. 95-625, Sec. 603(a), (d), added subsec. (d).

1974 - Subsec. (a). Pub. L. 93-291 added subsec. (a).

Subsecs. (b), (c). Pub. L. 93-291 designated existing unlettered provisions as subsecs. (b) and (c), and in subsecs. (b) and (c) as so designated substituted provisions making separate authorizations of appropriations for purposes of sections 469a-1(b) and 469a-2(a) of this title and covering fiscal years 1974, 1975, 1976, 1977, and 1978 for provisions making a general authorization of appropriations of whatever sums as might be necessary to carry out the purposes of sections 469 to 469c of this title.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior and Secretary or other official in Department of Agriculture to Federal Inspector,

Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 469a of this title.

§469c-1. "State" defined

As used in sections 469 to 469c-1 of this title, the term "State" includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SOURCE

(Pub. L. 86-523, Sec. 8, as added Pub. L. 96-205, title VI, Sec. 608(b)(2), Mar. 12, 1980, 94 Stat. 92.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§469c-2. Costs for identification, surveys, evaluation and data recovery with respect to historic properties

Notwithstanding section 469c(a) of this title, or any other provision of law to the contrary -

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 469c(a) of this title.

SOURCE

(Pub. L. 96-515, title II, Sec. 208, Dec. 12, 1980, 94 Stat. 2997; Pub. L. 103-437, Sec. 6(d)(28), Nov. 2, 1994, 108 Stat. 4584.)

AMENDMENTS

1994 - Par. (3). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

§469d. Ice Age National Scientific Reserve; statement of purpose

It is the purpose of sections 469d to 469i of this title to assure protection, preservation, and interpretation of the nationally significant values of Wisconsin continental glaciation, including moraines, eskers, kames, kettleholes, drumlins, swamps, lakes, and other reminders of the ice age.

SOURCE

(Pub. L. 88-655, Sec. 1, Oct. 13, 1964, 78 Stat. 1087.)

§469e. Plan for continental glaciation

(a) Federal funds

To implement the purpose of sections 469d to 469i of this title, the Secretary of the Interior (hereinafter called the "Secretary"), in cooperation with State and local governmental authorities of Wisconsin, may formulate within two years after October 13, 1964, a comprehensive plan for the protection, preservation, and interpretation of outstanding examples of continental glaciation in Wisconsin; but he shall not spend more than $50,000 of Federal funds thereon.

(b) Copies to Congress; establishment; boundaries

When the comprehensive plan is completed and the Secretary is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire Nation, he shall transmit copies thereof to the President of the Senate and the Speaker of the House of Representatives and may, ninety days thereafter and after consulting with the Governor of the State of Wisconsin, publish notice in the Federal Register of the establishment of the Ice Age National Scientific Reserve and of the boundaries thereof, which boundaries shall comprise lands owned or to be acquired by the State and local governments of Wisconsin in the following areas:

(1) Eastern area (portions of the northern unit of the Kettle Moraine State Forest and Campbellsport drumlin area);

(2) Central area (portions of Devil's Lake State Park);

(3) Northwestern area (portions of Chippewa County);

(4) Related areas (other areas in the State of Wisconsin which the Secretary and the Governor of Wisconsin agree upon as significant examples of continental glaciation).

(c) Inclusion and exclusion of other areas

Any area outside of the national forests that the Secretary and the Governor of Wisconsin agree has significant examples of continental glaciation but is not described in the original notice may be included in the reserve by the Secretary after notice to the President of the Senate and the Speaker of the House of Representatives and publication in the Federal Register, as hereinbefore provided, and any area that they consider to be no longer desirable as a part of the reserve may be excluded from it by the Secretary in the same manner.

SOURCE

(Pub. L. 88-655, Sec. 2, Oct. 13, 1964, 78 Stat. 1087.)

§469f. Repealed.

Sec. 469f. Repealed. Pub. L. 91-483, Sec. 1(1), Oct. 21, 1970, 84

Stat. 1083.

Section, Pub. L. 88-655, Sec. 3, Oct. 13, 1964, 78 Stat. 1087, provided for grant of financial assistance to State of Wisconsin of up to $750,000 for acquisition of lands and interests in lands, subject to terms and conditions prescribed by Secretary.

§469g. Ice Age National Scientific Reserve; recommendations for Federal and State participation in financing public facilities and services

The comprehensive plan presented by the Secretary to the President of the Senate and the Speaker of the House of Representatives may include such recommendations, if any, as he and the Governor of the State of Wisconsin may wish to make with respect to Federal and State participation in the financing of appropriate interpretive and other public facilities and services within the reserve including facilities and services to be furnished by such private organizations as the Ice Age Park and Trail Foundation, a nonprofit corporation.

SOURCE

(Pub. L. 88-655, Sec. 4, Oct. 13, 1964, 78 Stat. 1087; Pub. L. 91- 483, Sec. 1(2), Oct. 21, 1970, 84 Stat. 1083.)

AMENDMENTS

1970 - Pub. L. 91-483 removed restriction that the Secretary make no commitment with respect to financing of facilities and services within the reserve and that no Federal appropriations be available for such purpose.

§469h. Comprehensive plan for Reserve Development

(a) Technical assistance

The Secretary is authorized to provide technical assistance to the State of Wisconsin for planning and development of the reserve in accordance with the comprehensive plan.

(b) Additional grants

In addition to grants made pursuant to the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 460l-4 et seq.], the Secretary is authorized to make grants of not to exceed 25 per centum of the actual cost of each development project within the reserve in accordance with the comprehensive plan: Provided, That the maximum amount of such grants for all projects shall not exceed $2,500,000.

(c) Costs of maintenance

The Secretary, pursuant to an agreement with the State of Wisconsin, may pay up to 50 per centum of the annual cost of management, protection, maintenance, and rehabilitation of the reserve.

(d) Termination of Federal contributions

Whenever the Secretary determines that appropriate management and protection set down in the comprehensive plan are not being afforded the nationally significant values within the reserve or that funds are not being provided on the prescribed matching basis by the State of Wisconsin or other non-Federal sources, he may terminate contributions under sections 469d to 469i of this title.

SOURCE

(Pub. L. 88-655, Sec. 5, Oct. 13, 1964, 78 Stat. 1088; Pub. L. 91- 483, Sec. 1(3), Oct. 21, 1970, 84 Stat. 1083; Pub. L. 96-199, title I, Sec. 109, Mar. 5, 1980, 94 Stat. 69.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (b), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (Sec. 460l-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460l-4 of this title and Tables.

AMENDMENTS

1980 - Subsec. (b). Pub. L. 96-199 substituted "$2,500,000" for "$425,000".

1970 - Pub. L. 91-483 substituted provisions authorizing the Secretary to provide technical assistance and financial grants in addition to those under the Land and Water Conservation Fund Act of 1965, not exceeding 25 percent of the actual cost of each development project and up to a maximum of $425,000 and to share equally the annual costs of management, protection, maintenance and rehabilitation of the reserve for provisions for part recovery of the funds granted in case of conversion, and use or disposal contrary to the purposes of the establishment of the Ice Age National Scientific Reserve, and reenacted provisions for the termination of the grants.

§469i. Repealed.

Sec. 469i. Repealed. Pub. L. 91-483, Sec. 1(4), Oct. 21, 1970, 84

Stat. 1083.

Section, Pub. L. 88-655, Sec. 6, Oct. 13, 1964, 78 Stat. 1088, authorized appropriations of up to $800,000 for carrying out provisions of sections 469d to 469i of this title.

§469j. Commission for the Preservation of America's Heritage Abroad

(a) Purpose

Because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to encourage the preservation and protection of the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

(b) Establishment

There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter in this section referred to as the "Commission").

(c) Duties

The Commission shall -

(1) identify and publish a list of those cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of United States citizens from eastern and central Europe, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Department of State, assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected; and

(3) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

(d) Membership

(1) The Commission shall consist of 21 members appointed by the President, 7 of whom shall be appointed after consultation with the Speaker of the House of Representatives and 7 of whom shall be appointed after consultation with the President pro tempore of the Senate.

(2)(A) Except as provided in subparagraphs (B) and (C), members of the Commission shall be appointed for terms of 3 years.

(B) Of the members first appointed after consultation with the Speaker of the House of Representatives, 5 shall be appointed for a term of 2 years. Of the members first appointed after consultation with the President pro tempore of the Senate, 5 shall be appointed for 2 years.

(C) A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed.

(D) A member may retain membership on the Commission until the member's successor has been appointed.

(3) The President shall designate the Chairman of the Commission from among its members.

(e) Meetings

The Commission shall meet at least once every six months.

(f) Compensation and per diem

(1) Members of the Commission shall receive no pay on account of their service on the

Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(g) Authorities

(1) The Commission or any member it authorizes may, for the purposes of carrying out this section, hold such hearings, sit and act at such times and places, request such attendance, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may appoint such personnel (subject to the provisions of title 5 which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(3) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS-18 of the General Schedule (5 U.S.C. 5332(a)).

(4) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this section.

(5) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this section. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(6) The Commission may accept, use, and dispose of gifts or donations of money or property.

(7) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) Reports

The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SOURCE

(Pub. L. 99-83, title XIII, Sec. 1303, Aug. 8, 1985, 99 Stat. 280; Pub. L. 105-277, div. A, Sec. 101(b) [title VI, Sec. 620], Oct. 21, 1998, 112 Stat. 2681-50, 2681-115.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (g)(2), is set out under section 5332 of Title 5.

AMENDMENTS

1998 - Subsec. (e). Pub. L. 105-277 substituted "six" for "three".

EFFECTIVE DATE Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99-

83, set out as an Effective Date of 1985 Amendment note under section 2151-1 of Title 22, Foreign Relations and Intercourse.

TERMINATION OF REPORTING REQUIREMENTS For termination, effective May 15, 2000, of provisions in subsec.

(h) of this section relating to transmittal of annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 157 of House Document No. 103-7.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, Sec. 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§469k. Repealed.

Sec. 469k. Repealed. Pub. L. 104-333, div. I, title VI, Sec.

604(e)(1), Nov. 12, 1996, 110 Stat. 4173; Pub. L. 107-359, Sec.

3(4)(A), Dec. 17, 2002, 116 Stat. 3016.

Section, Pub. L. 104-333, div. I, title VI, Sec. 604, Nov. 12, 1996, 110 Stat. 4173; Pub. L. 107-359, Sec. 3, Dec. 17, 2002, 116 Stat. 3016, known as the American Battlefield Protection Act of 1996, established the American Battlefield Protection Program. See section 469k-1 of this title.

SHORT TITLE OF 2002 AMENDMENT Pub. L. 107-359, Sec. 1, Dec. 17, 2002, 116 Stat. 3016, provided that: "This Act [amending this section and enacting provisions set out as a note under this section], may be cited as the 'Civil War Battlefield Preservation Act of 2002'."

§469k-1. American Battlefield Protection Program

(a) Purpose

The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) Preservation assistance

(1) In general

Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) Financial assistance

To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) Authorization of appropriations

There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) Battlefield acquisition grant program

(1) Definitions

In this subsection:

(A) Battlefield Report

The term "Battlefield Report" means the document entitled "Report on the Nation's Civil War Battlefields", prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) Eligible entity

The term "eligible entity" means a State or local government.

(C) Eligible site

The term "eligible site" means a site -

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) Secretary

The term "Secretary" means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) Establishment

The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) Nonprofit partners

An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) Non-Federal share

The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) Limitation on land use

An interest in an eligible site acquired under this subsection shall be subject to section 460l-8(f)(3) of this title.

(6) Authorization of appropriations

There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

SOURCE

(Pub. L. 111-11, title VII, Sec. 7301, Mar. 30, 2009, 123 Stat. 1213.)

§469l. Findings and purposes

(a) Findings

The Congress finds the following:

(1) The Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was one of the most significant expressions of the American civil rights movement during its evolution over more than three centuries.

(2) The Underground Railroad bridged the divides of race, religion, sectional differences, and nationality; spanned State lines and international borders; and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people.

(3) Pursuant to title VI of Public Law 101-628 (16 U.S.C. 1a-5 note; 104 Stat. 4495), the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation.

(4) The Underground Railroad Advisory Committee found that -

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites which have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since its story and associated resources involve networks and regions of the country rather than individual sites and trails; and

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and

interpretation of the Underground Railroad.

(5) The National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad.

(6) The story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites; routes, geographic areas, and corridors; interpretive centers, museums, and institutions; and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) Purposes

The purposes of sections 469l to 469l-2 of this title are the following:

(1) To recognize the importance of the Underground Railroad, the sacrifices made by those who used the Underground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them.

(2) To authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation.

SOURCE

(Pub. L. 105-203, Sec. 2, July 21, 1998, 112 Stat. 678.)

§469l-1. National Underground Railroad Network to Freedom program

(a) In general

The Secretary of the Interior (in sections 469l to 469l-3 of this title referred to as the "Secretary") shall establish in the National Park Service a program to be known as the "National Underground Railroad Network to Freedom" (in sections 469l to 469l- 3 of this title referred to as the "national network"). Under the program, the Secretary shall -

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c) of this section; and

(3) create and adopt an official, uniform symbol or device for the national network and issue regulations for its use.

(b) Elements

The national network shall encompass the following elements:

(1) All units and programs of the National Park Service determined by the Secretary to pertain to the Underground Railroad.

(2) Other Federal, State, local, and privately owned properties pertaining to the Underground Railroad that have a verifiable connection to the Underground Railroad and that are included

on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places.

(3) Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

(c) Cooperative agreements and memoranda of understanding

To achieve the purposes of sections 469l to 469l-3 of this title and to ensure effective coordination of the Federal and non-Federal elements of the national network referred to in subsection (b) of this section with National Park Service units and programs, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical assistance to -

(1) the heads of other Federal agencies, States, localities, regional governmental bodies, and private entities; and

(2) in cooperation with the Secretary of State, the governments of Canada, Mexico, and any appropriate country in the Caribbean.

SOURCE

(Pub. L. 105-203, Sec. 3, July 21, 1998, 112 Stat. 679; Pub. L. 110- 229, title III, Sec. 361(a)(1), May 8, 2008, 122 Stat. 801.)

AMENDMENTS

2008 - Subsec. (d). Pub. L. 110-229 struck out subsec. (d) which authorized appropriations for sections 469l to 469l-2 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT Pub. L. 110-229, title III, Sec. 361(b), May 8, 2008, 122 Stat.

802, provided that: "The amendments made by subsection (a) [enacting section 469l-3 of this title and amending this section and section 469l-2 of this title] shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act [May 8, 2008]."

§469l-2. Preservation of historic sites or structures

(a) Authority to make grants

The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

(b) Grant conditions

Any grant made under this section shall provide that -

(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

(3) conversion, use, or disposal of such property for purposes contrary to the purposes of sections 469l to 469l-3 of this title, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under sections 469l to 469l-3 of this title.

(c) Matching requirement

The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

SOURCE

(Pub. L. 105-203, Sec. 4, as added Pub. L. 106-291, title I, Sec. 150(h), Oct. 11, 2000, 114 Stat. 959; amended Pub. L. 110-229, title III, Sec. 361(a)(2), May 8, 2008, 122 Stat. 801.)

AMENDMENTS

2008 - Subsec. (d). Pub. L. 110-229 struck out subsec. (d) which related to funding for purposes of this section for fiscal year 2001 and each subsequent fiscal year.

EFFECTIVE DATE OF 2008 AMENDMENT Amendment by Pub. L. 110-229 effective at the beginning of the fiscal year immediately following May 8, 2008, see section 361(b) of Pub. L. 110-229, set out as a note under section 469l-1 of this title.

956, provided that:

"(1) Findings. - Congress finds that -

"(A) the National Underground Railroad Freedom Center (hereinafter 'Freedom Center') is a nonprofit organization incorporated under the laws of the State of Ohio in 1995;

"(B) the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;

"(C) the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;

"(D) the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

"(E) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act [16 U.S.C. 469l et seq.]. "(2) Purposes. - The purposes of this section are - "(A) to promote preservation and public awareness of the history of the Underground Railroad;

"(B) to assist the Freedom Center in the development of its programs and facilities in

Cincinnati, Ohio; and

"(C) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (112 Stat. 679; 16 U.S.C. 469l and following)."

§469l-3. Authorization of appropriations

(a) Amounts

There are authorized to be appropriated to carry out sections 469l to 469l-3 of this title $2,500,000 for each fiscal year, to be allocated as follows:

(1) $2,000,000 is to be used for the purposes of section 469l-1 of this title.

(2) $500,000 is to be used for the purposes of section 469l-2 of this title.

(b) Restrictions

No amounts may be appropriated for the purposes of sections 469l to 469l-3 of this title except to the Secretary for carrying out the responsibilities of the Secretary as set forth in sections 469l to 469l-3 of this title.

SOURCE

(Pub. L. 105-203, Sec. 5, as added Pub. L. 110-229, title III, Sec. 361(a)(3), May 8, 2008, 122 Stat. 801.)

EFFECTIVE DATE

Section effective at the beginning of the fiscal year immediately following May 8, 2008, see section 361(b) of Pub. L. 110-229, set out as an Effective Date of 2008 Amendment note under section 469l- 1 of this title.

§469m. Women's Rights National Historical Park

(a) Omitted (b) National Women's Rights History Project National Registry

(1) In general

The Secretary of the Interior (referred to in this section as the "Secretary") may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(2) Eligibility

In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

(3) Updates

The Secretary shall ensure that the National Register travel itinerary website entitled "Places Where Women Made History" is updated to contain -

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) Cost-sharing requirement

The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) National Women's Rights History Project Partnerships Network

(1) Grants

The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the "network"), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(2) Management of network

(A) In general

The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) Coordination

The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) Cost-sharing requirement

(A) In general

The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) State historic preservation offices

Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SOURCE

(Pub. L. 111-11, title VII, Sec. 7111, Mar. 30, 2009, 123 Stat. 1199.)

CODIFICATION

Section is comprised of section 7111 of Pub. L. 111-11. Subsec.

(a) of section 7111 of Pub. L. 111-11 enacted section 410ll-1 of this title.

§469n. Preserve America Program

(a) Purpose

The purpose of this section is to authorize the Preserve America Program, including -

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) Definitions

In this section:

(1) Council

The term "Council" means the Advisory Council on Historic Preservation.

(2) Heritage tourism

The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) Program

The term "program" means the Preserve America Program established under subsection (c)(1).

(4) Secretary

The term "Secretary" means the Secretary of the Interior.

(c) Establishment

(1) In general

There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation

efforts through heritage tourism, education, and historic preservation planning activities.

(2) Eligible projects

(A) In general

The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of -

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) Limitation

In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(3) Preference

In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) Consultation and notification

(A) Consultation

The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) Notification

Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(5) Cost-sharing requirement

(A) In general

The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) Form of non-Federal share

The non-Federal share required under subparagraph (A) shall be in the form of -

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) Requirement

The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Designation of Preserve America Communities

(1) Application

To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) Criteria

To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1) shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider -

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) Local governments previously certified for historic

preservation activities The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 470a(c)(1) of this title.

(4) Guidelines

The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

(e) Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) Authorization of appropriations

There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

SOURCE

(Pub. L. 111-11, title VII, Sec. 7302, Mar. 30, 2009, 123 Stat. 1214.)

§469o. Save America's Treasures Program

(a) Purpose

The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with -

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) Definitions

In this section:

(1) Collection

The term "collection" means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) Eligible entity

The term "eligible entity" means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) Historic property

The term "historic property" has the meaning given the term in section 470w of this title.

(4) Nationally significant

The term "nationally significant" means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 470a(a)(2) of this title.

(5) Program

The term "program" means the Save America's Treasures Program established under subsection (c)(1).

(6) Secretary

The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) Establishment

(1) In general

There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(2) Determination of grants

Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) Applications for grants

To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) Collections and historic properties eligible for competitive

grants (A) In general

A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is -

(i) nationally significant; and

(ii) threatened or endangered.

(B) Eligible collections

A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate.

(C) Eligible historic properties

To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application -

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) Selection criteria for grants

(A) In general

The Secretary shall not provide a grant under this section to a project for an eligible collection

or historic property unless the project -

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) Preference

In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) Limitation

In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) Consultation and notification by Secretary

(A) Consultation

(i) In general

Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) Limitation

If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

(B) Notification

Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) Cost-sharing requirement

(A) In general

The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) Form of non-Federal share

The non-Federal share required under subparagraph (A) shall be in the form of -

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the

Secretary.

(C) Requirement

The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non- Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) Regulations

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SOURCE

(Pub. L. 111-11, title VII, Sec. 7303, Mar. 30, 2009, 123 Stat. 1216.)

SUBCHAPTER II - NATIONAL HISTORIC PRESERVATION

§470. Short title; Congressional finding and declaration of policy

(a) This subchapter may be cited as the "National Historic Preservation Act".

(b) The Congress finds and declares that -

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

(2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

(5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;

(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

(7) although the major burdens of historic preservation have been borne and major efforts

initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

SOURCE

(Pub. L. 89-665, Sec. 1, Oct. 15, 1966, 80 Stat. 915; Pub. L. 96- 515, title I, Sec. 101(a), Dec. 12, 1980, 94 Stat. 2987.)

AMENDMENTS

1980 - Pub. L. 96-515 added subsec. (a), designated existing provision as subsec. (b), and in subsec. (b) as so designated, redesignated pars. (a) to (d) as (1), (2), (5), and (7), respectively, in par. (1) as so redesignated, substituted "heritage" for "past", and added pars. (3), (4), and (6).

SHORT TITLE OF 2006 AMENDMENT Pub. L. 109-453, Sec. 1(a), Dec. 22, 2006, 120 Stat. 3367, provided that: "This Act [enacting section 470v-2 of this title and amending sections 470h, 470i, 470m, and 470t of this title] may be cited as the 'National Historic Preservation Act Amendments Act of 2006'."

4753, provided that: "This title [enacting sections 470h-4, 470h-5, and 470x to 470x-6 of this title, amending sections 466, 470-1, 470a, 470b, 470c, 470h, 470h-2, 470h-3, 470i, 470s, 470t, 470w, and 470w-3 of this title, enacting provisions set out as notes under section 470a of this title, and amending provisions set out as a note under section 461 of this title] may be cited as the 'National Historic Preservation Act Amendments of 1992'."

SHORT TITLE OF 1980 AMENDMENT Section 1 of Pub. L. 96-515 provided: "That this Act [enacting sections 469c-2, 470-1 470a-1, 470a-2, 470h-2, 470h-3, 470u, 470v and 470w to 470w-6 of this title, amending this section and sections 470a, 470b, 470c, 470d, 470h to 470j, 470l, 470m, and 470r to 470t of this title, and enacting provisions set out as notes under sections 470a, 470j and 470h of this title and section 874 of former Title 40, Public Buildings, Property, and Works] may be cited as the 'National Historic Preservation Act Amendments of 1980'."

EX. ORD. NO. 11593. PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

Ex. Ord. No. 11593, May 13, 1971, 36 F.R. 8921, provided:

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

Section 1. Policy. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non- federally owned sites, structures

and objects of historical, architectural or archaeological significance.

Sec. 2. Responsibilities of Federal agencies. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

Sec. 3. Responsibilities of the Secretary of the Interior. The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

Richard Nixon.

§470-1. Declaration of policy of the Federal Government

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to -

(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;

(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

(6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate

their historic preservation programs and activities.

SOURCE

(Pub. L. 89-665, Sec. 2, as added Pub. L. 96-515, title I, Sec. 101(a), Dec. 12, 1980, 94 Stat. 2988; amended Pub. L. 102-575, title XL, Sec. 4002, Oct. 30, 1992, 106 Stat. 4753.)

AMENDMENTS

1992 - Par. (2). Pub. L. 102-575, Sec. 4002(1), inserted "and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments" after "community of nations".

Par. (6). Pub. L. 102-575, Sec. 4002(2), inserted ", Indian tribes and Native Hawaiian organizations" after "local governments".

PART A - PROGRAMS

§470a. Historic preservation program

(a) National Register of Historic Places; designation of properties

as historic landmarks; properties deemed included; criteria;

nomination of properties by States, local governments or individuals; regulations; review of threats to properties (1)(A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. Notwithstanding section 1125(c) of title 15, buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as "National Historic Landmarks" and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on December 12, 1980, shall be deemed to be included on the National Register as of their initial listing for purposes of this subchapter. All historic properties listed in the Federal Register of February 6, 1979, as "National Historic Landmarks" or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this subchapter and sections 461 to 467 of this title; except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register.

(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for -

(A) nominating properties for inclusion in, and removal from, the National Register and the

recommendation of properties by certified local governments;

(B) designating properties as National Historic Landmarks and removing such designation;

(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

(E) making determinations of eligibility of properties for inclusion on the National Register; and

(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b) of this section, shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) of this section for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 470h- 2(a)(2) of this title shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b) of this section. The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

(7) The Secretary shall promulgate, or revise, regulations -

(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 470h-2 of this title, the Act of June 27, 1960 (16 U.S.C. 469c) [16 U.S.C. 469 et seq.], and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

(C) certifying local governments, in accordance with subsection (c)(1) of this section and for the allocation of funds pursuant to section 470c(c) of this title.

(8) The Secretary shall, at least once every 4 years, in consultation with the Council and with State Historic Preservation Officers, review significant threats to properties included in, or eligible for inclusion on, the National Register, in order to -

(A) determine the kinds of properties that may be threatened;

(B) ascertain the causes of the threats; and

(C) develop and submit to the President and Congress recommendations for appropriate action.

(b) Regulations for State Historic Preservation Programs; periodic

evaluations and fiscal audits of State programs; administration of State programs; contracts and cooperative agreements with nonprofit or educational institutions and State Historic Preservation Officers; treatment of State programs as approved programs (1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program -

(A) provides for the designation and appointment by the Governor of a "State Historic Preservation Officer" to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and (C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

(2)(A) Periodically, but not less than every 4 years after the approval of any State program under this subsection, the Secretary, in consultation with the Council on the appropriate provisions of this subchapter, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this subchapter.

(B) If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this subchapter, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this subchapter, until the program is consistent with this subchapter, unless the Secretary determines that the program will be made consistent with this subchapter within a reasonable period of time.

(C) The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.

(D) At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system -

(i) establishes and maintains substantially similar accountability standards; and

(ii) provides for independent professional peer review.

The Secretary may also conduct periodic fiscal audits of State programs approved under this section as needed and shall ensure that such programs meet applicable accountability standards.

(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to -

(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

(C) prepare and implement a comprehensive statewide historic preservation plan;

(D) administer the State program of Federal assistance for historic preservation within the State;

(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

(G) provide public information, education, and training and technical assistance in historic preservation;

(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) of this section;

(I) consult with appropriate Federal agencies in accordance with this subchapter on -

(i) Federal undertakings that may affect historic properties; and (ii) the content and sufficiency of any plans developed to protect, manage, or reduce or mitigate harm to such properties; and (J) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of -

(A) the date on which the Secretary approves a program submitted by the State under this

subsection, or (B) three years after October 30, 1992.

(6)(A) Subject to subparagraphs (C) and (D), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing such Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State -

(i) Identification and preservation of historic properties.

(ii) Determination of the eligibility of properties for listing on the National Register.

(iii) Preparation of nominations for inclusion on the National Register.

(iv) Maintenance of historical and archaeological data bases.

(v) Evaluation of eligibility for Federal preservation incentives.

Nothing in this paragraph shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

(B) The Secretary may enter into a contract or cooperative agreement under subparagraph (A) only if -

(i) the State Historic Preservation Officer has requested the additional responsibility;

(ii) the Secretary has approved the State historic preservation program pursuant to subsection (b)(1) and (2) of this section;

(iii) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that such Officer is fully capable of carrying out such responsibility in such manner;

(iv) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to such contract or cooperative agreement; and

(v) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out such responsibility.

(C) For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.

(D) Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of the National Park Service.

(c) Certification of local governments by State Historic

Preservation Officer; transfer of portion of grants;

certification by Secretary; nomination of properties by local governments for inclusion on National Register (1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this subchapter and provide for the transfer, in accordance with section 470c(c) of this title, of a portion of the grants received by the States under this subchapter, to such local governments. Any local government shall be certified to participate

under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government -

(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b) of this section;

(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and (E) satisfactorily performs the responsibilities delegated to it under this subchapter.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

(2)(A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to subsection (a) of this section. The State may expedite such process with the concurrence of the certified local government.

(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to subsection (a) of this section. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provisions of section 470c(c) of this title, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

(4) For the purposes of this section the term -

(A) "designation" means the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government; and

(B) "protection" means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to this subsection.

(d) Historic properties of Indian tribes

(1)(A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic properties and all public interests in such properties are given due consideration, and to encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.

(B) The program under subparagraph (A) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.

(C) The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (A) by not later than October 1, 1994.

(2) A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3) of this section, with respect to tribal lands, as such responsibilities may be modified for tribal programs through regulations issued by the Secretary, if -

(A) the tribe's chief governing authority so requests;

(B) the tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the tribe's chief governing authority or as a tribal ordinance may otherwise provide;

(C) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;

(D) the Secretary determines, after consulting with the tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 470f of this title), and other tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program -

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (C);

(ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and

(iii) that the plan provides, with respect to properties neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with subsections (b)(2) and (b)(3) of this section; and

(E) based on satisfaction of the conditions stated in subparagraphs (A), (B), (C), and (D), the Secretary approves the plan.

(3) In consultation with interested Indian tribes, other Native American organizations and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 470c(a) of this title with respect to tribal programs that

assume responsibilities under paragraph (2).

(4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) of this section on tribal land, if -

(A) the Secretary and the tribe agree on additional financial assistance, if any, to the tribe for the costs of carrying out such authorities;

(B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this subchapter; and

(C) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by -

(i) the tribe's traditional cultural authorities;

(ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and

(iii) the interested public.

(5) The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 470f of this title, if the Council, after consultation with the tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.

(6)(A) Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.

(B) In carrying out its responsibilities under section 470f of this title, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).

(C) In carrying out his or her responsibilities under subsection (b)(3) of this section, the State Historic Preservation Officer for the State of Hawaii shall -

(i) consult with Native Hawaiian organizations in assessing the cultural significance of any property in determining whether to nominate such property to the National Register;

(ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for such property; and

(iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate such property to the National Register and to carry out the cultural component of such preservation program or plan.

(e) Matching grants to States; grants to National Trust for

Historic Preservation in the United States; program of direct grants for preservation of properties included on National Register; grants or loans to Indian tribes and ethnic or minority groups for preservation of cultural heritage; grants for religious properties; direct

grants to Indian tribes, Native Hawaiian organizations, and Micronesian States (1) The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this subchapter.

(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by sections 468 to 468d of this title consistent with the purposes of its charter and this subchapter.

(3)(A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 470h of this title. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer -

(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance, (ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties, (iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation, and (iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

(C) Grants may be made under subparagraph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 470d of this title.

(4) Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.

(5) The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this subchapter as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to a tribe or Native Hawaiian organization may be used as matching funds for the purposes of the tribe's or organization's conducting its responsibilities pursuant to this section.

(6)(A) As part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau (referred to as the Micronesian States) in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 [48 U.S.C. 1901 et seq., 2001 et seq.], the Trusteeship Agreement for the Trust Territory of the Pacific Islands, and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other

purposes" [48 U.S.C. 1931 et seq.]. The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each Micronesian State so that at the termination of the compacts the programs shall be firmly established. The Secretary may waive or modify the requirements of this section to conform to the cultural setting of those nations.

(B) The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary. Matching funds may be waived or modified.

(f) Prohibition of use of funds for compensation of intervenors in

preservation program No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this subchapter.

(g) Guidelines for Federal agency responsibility for agency-owned

historic properties In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 470h-2 of this title.

(h) Professional standards for preservation of federally owned or

controlled historic properties Within one year after December 12, 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

(i) Dissemination of information concerning professional methods

and techniques for preservation of historic properties The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

(j) Preservation education and training program

(1) The Secretary shall, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, develop and implement a comprehensive preservation education and training program.

(2) The education and training program described in paragraph (1) shall include -

(A) new standards and increased preservation training opportunities for Federal workers involved in preservation- related functions;

(B) increased preservation training opportunities for other Federal, State, tribal and local government workers, and students;

(C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and

(D) coordination of the following activities, where appropriate, with the National Center for

Preservation Technology and Training -

(i) distribution of information on preservation technologies;

(ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and

(iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

SOURCE

(Pub. L. 89-665, title I, Sec. 101, Oct. 15, 1966, 80 Stat. 915; Pub. L. 93-54, Sec. 1(d), July 1, 1973, 87 Stat. 139; Pub. L. 91- 383, Sec. 11, as added Pub. L. 94-458, Sec. 2, Oct. 7, 1976, 90 Stat. 1942; amended Pub. L. 96-205, title VI, Sec. 608(a)(1), (2), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-515, title II, Sec. 201(a), Dec. 12, 1980, 94 Stat. 2988; Pub. L. 102-575, title XL, Secs. 4003- 4006(a), 4007, 4008, Oct. 30, 1992, 106 Stat. 4753-4755, 4758; Pub. L. 103-437, Sec. 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, Sec. 814(d)(2)(F), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106-113, div. B, Sec. 1000(a)(9) [title III, Sec. 3007], Nov. 29, 1999, 113 Stat. 1536, 1501A-551; Pub. L. 106-208, Sec. 5(a)(1)-(4), May 26, 2000, 114 Stat. 318.)

REFERENCES IN TEXT

The effective date of this Act, referred to in subsec. (a)(1)(B), probably means the effective date of the National Historic Preservation Act Amendments of 1980, Pub. L. 96-515, approved Dec. 12, 1980, rather than the effective date of the National Historic Preservation Act, Pub. L. 89-665, which was approved Oct. 15, 1966.

Act of June 27, 1960 (16 U.S.C. 469c), referred to in subsec.

(a)(7)(A), is Pub. L. 86-523, June 27, 1960, 74 Stat. 220, which enacted sections 469 to 469c-1 of this title. For complete classification of this Act to the Code, see Tables.

The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following), referred to in subsec. (a)(7)(A), is Pub. L. 96-95, Oct. 31, 1979, 93 Stat. 721, which is classified generally to chapter 1B (Sec. 470aa et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 470aa of this title and Tables.

Sections 468 to 468d of this title, referred to in subsec.

(e)(2), was in the original "an Act of Congress approved October 26, 1949 (63 Stat. 947)", probably meaning Act Oct. 26, 1949, ch. 755, 63 Stat. 927, which is classified to sections 468 to 468d of this title. For complete classification of this Act to the Code, see Tables.

The Compact of Free Association Act of 1985, referred to in subsec. (e)(6)(A), is Pub. L. 99-239, Jan. 14, 1986, 99 Stat. 1770, which is classified principally to part A of subchapter I (Sec. 1901 et seq.) of chapter 18 and chapter 19 (Sec. 2001 et seq.) of Title 48, Territories and Insular Possession. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 48 and Tables.

The Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes", referred to in subsec. (e)(6)(A), is Pub. L. 99-658, Nov. 14, 1986, 100 Stat. 3672, which is classified generally to part A (Sec. 1931 et seq.) of subchapter II of chapter 18 of Title 48. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2000 - Subsec. (d)(2)(D)(ii). Pub. L. 106-208, Sec. 5(a)(1), inserted "and" after semicolon.

Subsec. (e)(2). Pub. L. 106-208, Sec. 5(a)(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by sections 468 to 468e of this title, for the purposes of carrying out the responsibilities of the National Trust." Subsec. (e)(3)(A)(iii). Pub. L. 106-208, Sec. 5(a)(3), substituted comma for semicolon after "preservation".

Subsec. (j)(2)(C). Pub. L. 106-208, Sec. 5(a)(4), inserted "and" after semicolon at end.

1999 - Subsec. (a)(1)(A). Pub. L. 106-113 inserted at end "Notwithstanding section 1125(c) of title 15, buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure." 1996 - Subsec. (a)(1)(B). Pub. L. 104-333 inserted period after "published in the Federal Register" and struck out at end "and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Natural Resources of the United States House of Representatives." 1994 - Subsec. (a)(1)(B). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1992 - Subsec. (a)(8). Pub. L. 102-575, Sec. 4003, added par.

(8).

Subsec. (b)(2). Pub. L. 102-575, Sec. 4004(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to make a determination as to whether or not it is in compliance with the requirements of this subchapter. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1) of this section, unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section." Subsec. (b)(3). Pub. L. 102-575, Sec. 4004(2), substituted "in historic preservation;" for "relating to the Federal and State Historic Preservation Programs; and" in subpar. (G) and added subpars. (I) and (J).

Subsec. (b)(5)(B). Pub. L. 102-575, Sec. 4004(3), substituted "October 30, 1992" for "December 12, 1980".

Subsec. (b)(6). Pub. L. 102-575, Sec. 4004(4), added par. (6).

Subsec. (c)(4). Pub. L. 102-575, Sec. 4005, added par. (4).

Subsec. (d). Pub. L. 102-575, Sec. 4006(a)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 102-575, Sec. 4007, amended par. (1) generally and added pars. (4) to (6). Prior to amendment, par. (1) read as follows: "The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register." Pub. L. 102-575, Sec. 4006(a)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsecs. (f) to (i). Pub. L. 102-575, Sec. 4006(a)(1), redesignated subsecs. (e) to (h) as (f) to

(i), respectively.

Subsec. (j). Pub. L. 102-575, Sec. 4008, added subsec. (j).

1980 - Subsec. (a). Pub. L. 96-515 substituted provision designating certain properties as National Historical Landmarks, providing for establishment by the Secretary of the Interior of criteria for inclusion on or removal from the National Register, designation of properties as National Historical Landmarks and removal of such designation, and nomination of properties for inclusion in the World Heritage List, authorizing any State, local government, or person to nominate properties for inclusion on the National Register and to appeal a nomination or refusal to nominate, requiring that before property be included on the National Register or designated as a National Historic Landmark, the owner or owners of the property be given an opportunity to concur in, or object to, its inclusion, and authorizing the Secretary to promulgate regulations to ensure that significant prehistoric and historic artifacts and records receive proper treatment, to establish standards for documenting historic properties for incorporation in the national historical, architectural, and engineering records within the Library of Congress, and to certify local governments for allocation of funds, for provision authorizing the Secretary to grant funds to States for preparing comprehensive statewide historic surveys and plans for preservation and acquisition of historic properties, to establish programs of matching grants-in-aid to States for the purpose of historical preservation and to the National Trust for Historic Preservation in the United States for the purpose of carrying out the responsibilities of the National Trust, and to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that disclosure of specific information would create a risk of destruction or harm to such sites or objects.

Pub. L. 96-205, Sec. 608(a)(1), in par. (2) struck out "and" after "culture;", and in par. (3) substituted "Trust; and" for "Trust.".

Subsec. (b). Pub. L. 96-515 substituted provision authorizing the establishment of State Historic Preservation Programs, providing for periodic evaluation of these programs and periodic fiscal audits, prescribing the responsibilities of the State Historic Preservation Officer, and designating the period within which prior State historic preservation programs are to remain in effect for provision defining the terms "State", "project", "historic preservation", and "Secretary".

Pub. L. 96-205, Sec. 608(a)(2), inserted reference to the Commonwealth of the Northern Mariana Islands.

Subsecs. (c) to (h). Pub. L. 96-515 added subsecs. (c) to (h).

1976 - Subsec. (a)(4). Pub. L. 91-383, Sec. 11, as added Pub. L. 94-458, Sec. 2, added par. (4).

1973 - Subsec. (b)(1). Pub. L. 93-54 defined "State" to include the Trust Territory of the Pacific Islands.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands and the Trusteeship Agreement, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

ST. AUGUSTINE 450TH COMMEMORATION COMMISSION

Pub. L. 111-11, title VII, Sec. 7404, Mar. 30, 2009, 123 Stat. 1219, provided that:

"(a) Definitions. - In this section:

"(1) Commemoration. - The term 'commemoration' means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

"(2) Commission. - The term 'Commission' means the St.

Augustine 450th Commemoration Commission established by subsection (b)(1).

"(3) Governor. - The term 'Governor' means the Governor of the State.

"(4) Secretary. - The term 'Secretary' means the Secretary of the Interior.

"(5) State. -

"(A) In general. - The term 'State' means the State of Florida.

"(B) Inclusion. - The term 'State' includes agencies and entities of the State of Florida.

"(b) Establishment. -

"(1) In general. - There is established a commission, to be known as the 'St. Augustine 450th Commemoration Commission'.

"(2) Membership. -

"(A) Composition. - The Commission shall be composed of 14 members, of whom -

"(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

"(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

"(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

"(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

"(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

"(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress. "(B) Time of appointment. - Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act [Mar. 30, 2009]. "(C) Term; vacancies. - "(i) Term. - A member of the Commission shall be appointed for the life of the Commission.

"(ii) Vacancies. -

"(I) In general. - A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

"(II) Partial term. - A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(iii) Continuation of membership. - If a member of the Commission was appointed to the

Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

"(3) Duties. - The Commission shall -

"(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

"(B) facilitate activities relating to the commemoration throughout the United States;

"(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

"(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

"(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

"(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

"(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

"(c) Commission Meetings. -

"(1) Initial meeting. - Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

"(2) Meetings. - The Commission shall meet -

"(A) at least 3 times each year; or "(B) at the call of the Chairperson or the majority of the members of the Commission.

"(3) Quorum. - A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

"(4) Chairperson and vice chairperson. -

"(A) Election. - The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

"(B) Absence of the chairperson. - The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson. "(5) Voting. - The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

"(d) Commission Powers. -

"(1) Gifts. - The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

"(2) Appointment of advisory committees. - The Commission may appoint such advisory

committees as the Commission determines to be necessary to carry out this section.

"(3) Authorization of action. - The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

"(4) Procurement. -

"(A) In general. - The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

"(B) Limitation. - The Commission may not purchase real property. "(5) Postal services. - The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government. "(6) Grants and technical assistance. - The Commission may - "(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

"(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

"(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

"(e) Commission Personnel Matters. -

"(1) Compensation of members. -

"(A) In general. - Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

"(B) Federal employees. - A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government. "(2) Travel expenses. - A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission. "(3) Director and staff. - "(A) In general. - The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

"(B) Confirmation of executive director. - The employment of an executive director shall be subject to confirmation by the Commission. "(4) Compensation. - "(A) In general. - Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

"(B) Maximum rate of pay. - The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. "(5) Detail of government employees. - "(A) Federal employees. -

"(i) Detail. - At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the

Commission to assist the Commission in carrying out the duties of the Commission under this section.

"(ii) Civil service status. - The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege. "(B) State employees. - The Commission may - "(i) accept the services of personnel detailed from the State; and

"(ii) reimburse the State for services of detailed personnel.

"(6) Procurement of temporary and intermittent services. - The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(7) Volunteer and uncompensated services. - Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

"(8) Support services. -

"(A) In general. - The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

"(B) Reimbursement. - Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed. "(9) FACA nonapplicability. - Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission. "(10) No effect on authority. - Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

"(f) Plans; Reports. -

"(1) Strategic plan. - The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

"(2) Final report. - Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains -

"(A) a summary of the activities of the Commission;

"(B) a final accounting of funds received and expended by the Commission; and

"(C) the findings and recommendations of the Commission.

"(g) Authorization of Appropriations. -

"(1) In general. - There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

"(2) Availability. - Amounts made available under paragraph (1) shall remain available until December 31, 2015. "(h) Termination of Commission. - "(1) Date of termination. - The Commission shall terminate on December 31, 2015.

"(2) Transfer of documents and materials. - Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity."

RECOVERY OF FEES FOR REVIEW SERVICES FOR HISTORIC PRESERVATION TAX CERTIFICATION

Pub. L. 106-113, div. B, Sec. 1000(a)(3) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-142, provided in part: "That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services".

WOMEN'S PROGRESS COMMEMORATION Pub. L. 105-341, Oct. 31, 1998, 112 Stat. 3196, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Women's Progress Commemoration Act'.

"SEC. 2. DECLARATION.

"Congress declares that -

"(1) the original Seneca Falls Convention, held in upstate New York in July 1848, convened to consider the social conditions and civil rights of women at that time;

"(2) the convention marked the beginning of an admirable and courageous struggle for equal rights for women;

"(3) the 150th Anniversary of the convention provides an excellent opportunity to examine the history of the women's movement; and

"(4) a Federal Commission should be established for the important task of ensuring the historic preservation of sites that have been instrumental in American women's history, creating a living legacy for generations to come.

"SEC. 3. ESTABLISHMENT OF COMMISSION.

"(a) Establishment. - There is established a commission to be known as the 'Women's Progress Commemoration Commission' (referred to in this Act as the 'Commission').

"(b) Membership. -

"(1) In general. - The Commission shall be composed of 15 members, of whom -

"(A) 3 shall be appointed by the President;

"(B) 3 shall be appointed by the Speaker of the House of Representatives;

"(C) 3 shall be appointed by the minority leader of the House of Representatives;

"(D) 3 shall be appointed by the majority leader of the Senate; and

"(E) 3 shall be appointed by the minority leader of the Senate. "(2) Persons eligible. - "(A) In general. - The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission. The members may be from the public or private sector, and may include Federal, State, or local employees, members of academia, nonprofit organizations, or industry, or other interested individuals.

"(B) Diversity. - It is the intent of Congress that persons appointed to the Commission under paragraph (1) be persons who represent diverse economic, professional, and cultural

backgrounds. "(3) Consultation and appointment. - "(A) In general. - The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall consult among themselves before appointing the members of the Commission in order to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

"(B) Completion of appointments; vacancies. - The President, Speaker of the House of Representatives, minority leader of the House of Representatives, majority leader of the Senate, and minority leader of the Senate shall conduct the consultation under subparagraph (3) and make their respective appointments not later than 60 days after the date of enactment of this Act [Oct. 31, 1998]. "(4) Vacancies. - A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

"(c) Meetings. -

"(1) Initial meeting. - Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

"(2) Subsequent meetings. - After the initial meeting, the Commission shall meet at the call of the Chairperson. "(d) Quorum. - A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings. "(e) Chairperson and Vice Chairperson. - The Commission shall select a Chairperson and Vice Chairperson from among its members.

"SEC. 4. DUTIES OF THE COMMISSION.

"Not later than 1 year after the initial meeting of the Commission, the Commission, in cooperation with the Secretary of the Interior and other appropriate Federal, State, and local public and private entities, shall prepare and submit to the Secretary of the Interior a report that -

"(1) identifies sites of historical significance to the women's movement; and

"(2) recommends actions, under the National Historic Preservation Act (16 U.S.C. 470 et seq.) and other law, to rehabilitate and preserve the sites and provide to the public interpretive and educational materials and activities at the sites.

"SEC. 5. POWERS OF THE COMMISSION.

"(a) Hearings. - The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties of this Act.

"(b) Information From Federal Agencies. - The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. At the request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

"SEC. 6. COMMISSION PERSONNEL MATTERS.

"(a) Compensation of Members. - A member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. A member of the Commission who is otherwise an officer or employee of the

United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

"(b) Travel Expenses. - A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of service for the Commission.

"(c) Staff. -

"(1) In general. - The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

"(2) Compensation. - The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of that title.

"(3) Detail of government employees. - Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status, benefits, or privilege. "(d) Procurement of Temporary and Intermittent Services. - The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of that title.

"SEC. 7. FUNDING.

"(a) Authorization of Appropriations. - There are authorized to be appropriated to the Commission such sums as are necessary to carry out this Act.

"(b) Donations. - The Commission may accept donations from non- Federal sources to defray the costs of the operations of the Commission.

"SEC. 8. TERMINATION.

"The Commission shall terminate on the date that is 30 days after the date on which the Commission submits to the Secretary of the Interior the report under section 4(b) [sic].

"SEC. 9. REPORTS TO CONGRESS.

"Not later than 2 years and not later than 5 years after the date on which the Commission submits to the Secretary of the Interior the report under section 4, the Secretary of the Interior shall submit to Congress a report describing the actions that have been taken to preserve the sites identified in the Commission report as being of historical significance."

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION

Pub. L. 104-333, div. I, title V, Sec. 507, Nov. 12, 1996, 110 Stat. 4156, as amended by Pub. L. 108-7, div. F, title I, Sec. 150, Feb. 20, 2003, 117 Stat. 245, provided that:

"(a) Authority To Make Grants. - From the amounts made available to carry out the National Historic Preservation Act [16 U.S.C. 470 et seq.], the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

"(b) Grant Conditions. - Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that -

"(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and "(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes. "(c) Matching Requirement for Buildings and Structures Listed on the National Register of Historic Places. - "(1) In general. - Except as provided by paragraphs (2) and (3), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

"(2) Waiver. - The Secretary may waive paragraphs (1) and (3) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

"(3) Exception. - The Secretary shall not obligate funds made available under subsection (d)(2) for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places unless the grantee agrees to provide, from funds derived from non-Federal sources, an amount that is equal to 30 percent of the total cost of the project for which the grant is provided. "(d) Funding Provision. - "(1) In general. - Under section 108 of the National Historic Preservation Act [16 U.S.C. 470h], $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama, $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo College, Mississippi.

"(2) Additional funding. - In addition to amounts made available under paragraph (1), there is authorized to be appropriated from the Historic Preservation Fund to carry out this section $10,000,000 for each of fiscal years 2003 through 2008. "(e) Regulations. - The Secretary shall develop such guidelines as may be necessary to carry out this section. "(f) Definitions. - For the purposes of this section:

"(1) Historically black colleges. - The term 'historically black colleges and universities' has the same meaning given the term 'part B institution' by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(2) Historic building and structures. - The term 'historic building and structures' means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark."

RECOMMENDATIONS OF HISTORIC PROPERTIES FOR PRESERVATION Section 4021 of Pub. L. 102-575 provided that: "The Secretary of the Interior, in consultation with the Advisory

Council, shall seek to ensure that historic properties preserved under the National Historic Preservation Act [16 U.S.C. 470 et seq.] fully reflect the historical experience of this nation."

SECRETARIAL REPORT Section 4025 of Pub. L. 102-575 directed Secretary of the Interior, not later than one year after Oct. 30, 1992, to prepare and submit to Congress a report on the manner in which properties are listed or determined to be eligible for listing on the National Register, including but not limited to, the appropriateness of the criteria used in determining such eligibility, and the effect, if any, of such listing or finding of eligibility.

PRESERVATION AND CONSERVATION OF INTANGIBLE ASPECTS OF AMERICAN CULTURAL HERITAGE; REPORT TO PRESIDENT AND CONGRESS

Section 502 of Pub. L. 96-515 directed Secretary, in cooperation with American Folklife Center of Library of Congress, to submit within two years after Dec. 12, 1980, a report to President and Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways, the report to take into account the view of other public and private organizations, as appropriate, and to include recommendations for legislative and administrative actions by Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

COORDINATED SYSTEM OF CULTURAL PARKS AND HISTORIC CONSERVATION DISTRICTS; COMPREHENSIVE STUDY AND FORMULATION OF RECOMMENDATIONS; REPORT TO PRESIDENT AND CONGRESS

Section 506 of Pub. L. 96-515 directed Secretary to undertake a comprehensive study and formulate recommendations for a coordinated system of cultural parks and historic conservation districts that provide for preservation, interpretation, development, and use by public and private entities of prehistoric, historic, architectural, cultural, and recreational resources found in definable urban areas throughout the Nation; the study to propose alternatives concerning management and funding of such system by public and private entities and by various levels of government; and directed Secretary to submit a report of his study and recommendations to President and Congress within two years after Dec. 12, 1980.

FIRE IN HISTORIC PROPERTIES; PROTECTIVE MEASURES; REPORT TO PRESIDENT AND CONGRESS

Section 507 of Pub. L. 96-515 directed Secretary, in cooperation with Secretary of the Treasury, Administrator of United States Fire Administration, and Administrator of Federal Insurance Administration, to submit a report to President and Congress on fire in historic properties, such report to include a review of Federal laws to determine any relationship between these laws and arson or fire by 'suspicious origin', to make recommendations respecting amendments to such laws should a correlation be found to exist, to include the feasibility and necessity of establishing or developing protective measures at the Federal, State, or local level for the prevention, detection, and control of arson or fire by 'suspicious origin' in historic properties, to include recommendations regarding the Federal role in assisting the States and local governments with protecting historic properties from damage by fire, and to be submitted within eighteen months after Dec. 12, 1980.

§470a-1. World Heritage Convention

(a) United States participation

The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

(b) Nomination of property to World Heritage Committee

The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) Nomination of non-Federal property to World Heritage Committee

No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

SOURCE

(Pub. L. 96-515, title IV, Sec. 401, Dec. 12, 1980, 94 Stat. 3000; Pub. L. 103-437, Sec. 6(d)(28), Nov. 2, 1994, 108 Stat. 4584.)

CODIFICATION

Section was enacted as part of the National Historic Preservation Act Amendments of 1980, and not as part of the National Historic Preservation Act, Pub. L. 89-665, which is classified generally to this subchapter.

AMENDMENTS

1994 - Subsec. (b). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

§470a-2. Federal undertakings outside United States; mitigation of adverse effects

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

SOURCE

(Pub. L. 96-515, title IV, Sec. 402, Dec. 12, 1980, 94 Stat. 3000.)

CODIFICATION

Section was enacted as part of the National Historic Preservation Act Amendments of 1980, and not as part of the National Historic Preservation Act, Pub. L. 89-665, which is classified generally to this subchapter.

§470b. Requirements for awarding of grant funds

(a) Grant applications; amounts; reports; conditions

No grant may be made under this subchapter -

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460l-4 et seq.];

(3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 470a(b)(3) of this title in any one fiscal year;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this subchapter shall be treated as taxable income for purposes of title 26.

(b) Waiver

The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this subchapter to the National Trust for Historic Preservation in the United States.

(c) Repealed. Pub. L. 96-515, title II, Sec. 202(c), Dec. 12, 1980,

94 Stat. 2993 (d) (!1) Remaining cost of project No State shall be permitted to utilize the value of real property obtained before October 15, 1966, in meeting the remaining cost of a project for which a grant is made under this subchapter.

(d) (!1) Availability

The Secretary shall make funding available to individual States and the National Trust for

Historic Preservation as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be considered to be one grant and shall be administered by the National Park Service as such.

(e) Administrative costs

The total administrative costs, direct and indirect, charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs except in the case of grants under section 470a(e)(6) of this title.

SOURCE

(Pub. L. 89-665, title I, Sec. 102, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, Sec. 201(1), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96-515, title IV, Sec. 202, Dec. 12, 1980, 94 Stat. 2993; Pub. L. 99-514, Sec. 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 102-575, title XL, Sec. 4009, Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106-208, Sec. 5(a)(5), May 26, 2000, 114 Stat. 318.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a)(2), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (Sec. 460l-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460l-4 of this title and Tables.

AMENDMENTS

2000 - Subsec. (a)(3). Pub. L. 106-208 substituted "year;" for "year." at end.

1992 - Subsec. (a)(3). Pub. L. 102-575, Sec. 4009(1), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in section 470a(d)(1) and (2) of this title in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year." Subsec. (b). Pub. L. 102-575, Sec. 4009(2), which directed amendment of subsec. (b) by striking out ", in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory for the Secretary", was executed by striking out ", in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary" after "United States" to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 102-575, Sec. 4009(3), added subsec.

(d), relating to availability, and subsec. (e).

1986 - Subsec. (a). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

1980 - Subsec. (a). Pub. L. 96-515, Sec. 202(a), (b), in par. (3) substituted provision directing that no grant be made for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in section 470a(d)(1) and (2) of this title in any one fiscal year, except that for costs of State or local historic surveys or inventories the Secretary provide 70 per centum of the aggregate cost involved in any one fiscal year for provision directing that no grant be made for more than 50 per centum of the total cost involved, as determined by the Secretary, which determination was to be final, and inserted provision following cl.

(6), that, except as otherwise permitted, the State share of the costs referred to in par. (3) be

contributed by non-Federal sources and no grant made be treated as taxable income.

Subsec. (c). Pub. L. 96-515, Sec. 202(c), struck out subsec. (c) which authorized the Secretary in his discretion to waive the requirements of subsec. (a)(3) of this section for the purposes of making grants for the preparation of statewide historic preservation plans and surveys and project plans and restricted any grant made pursuant to this subsection to not to exceed 70 per centum of the cost of the project, with the total cost of grants made pursuant to this subsection in any fiscal year not to exceed one-half of the funds appropriated for that fiscal year pursuant to section 470h of this title.

1976 - Pub. L. 94-422 reenacted subsecs. (a) and (b) without change, added subsec. (c), and redesignated former subsec. (c) as (d).

(!1) So in original. Two subsecs. (d) have been enacted.

§470b-1. Grants to National Trust for Historic Preservation

(a) Authority of Secretary of Housing and Urban Development;

renovation or restoration costs; terms and conditions; amounts The Secretary of Housing and Urban Development is authorized to make grants to the National Trust for Historic Preservation, on such terms and conditions and in such amounts (not exceeding $90,000 with respect to any one structure) as he deems appropriate, to cover the costs incurred by such Trust in renovating or restoring structures which it considers to be of historic or architectural value and which it has accepted and will maintain (after such renovation or restoration) for historic purposes.

(b) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the grants to be made under subsection (a) of this section.

SOURCE

(Pub. L. 89-754, title VI, Sec. 603, Nov. 3, 1966, 80 Stat. 1278.)

CODIFICATION

Section was enacted as part of the Demonstration Cities and Metropolitan Development Act of 1966, and not as part of the National Historic Preservation Act, Pub. L. 89-665, which is classified generally to this subchapter.

§470c. Apportionment of grant funds

(a) Basis for apportionment

The amounts appropriated and made available for grants to the States for the purposes of this subchapter shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b) Basis; notification to State; reapportionment

The amounts appropriated and made available for grants to the States for projects and programs under this subchapter for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this subchapter. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection. The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register.

(c) Transfer of funds to local governments

A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this subchapter shall be transferred by the State, pursuant to the requirements of this subchapter, to local governments which are certified under section 470a(c) of this title for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds $65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 470a(c) of this title.

(d) Guidelines for use and distribution of funds to local

governments The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) of this section to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c) of this section, nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.

SOURCE

(Pub. L. 89-665, title I, Sec. 103, Oct. 15, 1966, 80 Stat. 916; Pub. L. 94-422, title II, Sec. 201(2), Sept. 28, 1976, 90 Stat. 1319; Pub. L. 96-515, title II, Sec. 203, Dec. 12, 1980, 94 Stat. 2993; Pub. L. 102-575, title XL, Sec. 4010, Oct. 30, 1992, 106 Stat. 4759; Pub. L. 106-208, Sec. 5(a)(6), May 26, 2000, 114 Stat. 318.)

AMENDMENTS

2000 - Subsec. (a). Pub. L. 106-208 substituted "purposes of this subchapter" for "purposes this subchapter" and "determined by him." for "determined by him:.".

1992 - Subsec. (a). Pub. L. 102-575, Sec. 4010(1), substituted "for the purposes this subchapter" for "for comprehensive statewide historic surveys and plans under this subchapter".

Subsec. (b). Pub. L. 102-575, Sec. 4010(2), (3), substituted "as the Secretary determines to be appropriate" for "by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans" and inserted at end "The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register." 1980 - Subsec. (b). Pub. L. 96-515, Sec. 203(a), inserted "and programs" after "projects" and substituted provision directing the Secretary to notify each State of its apportionment under this subsection within thirty days following enactment of legislation appropriating funds for provision directing the Secretary to notify each State of its apportionment, with the amounts available thereafter for payment to such State.

Subsecs. (c), (d). Pub. L. 96-515, Sec. 203(b), added subsecs.

(c) and (d).

1976 - Subsec. (a). Pub. L. 94-422, which directed amendment of subsec. (a) by deleting "Provided, however, That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary," after "determined by him:", was executed by deleting the quoted language, which did not contain a comma after "Secretary", to reflect the probable intent of Congress.

§470d. Loan insurance program for preservation of property included on National Register

(a) Establishment

The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

(b) Loan qualifications

A loan may be insured under this section only if -

(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

(c) Limitation on amount of unpaid principal balance of loans

The aggregate unpaid principal balance of loans insured under this section and outstanding

at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 470h of this title and subsections (g) and (i) of this section, as in effect on December 12, 1980, but which has not been appropriated for any purpose.

(d) Assignability of insurance contracts; contract as obligation of

United States; contestability Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

(e) Conditions and methods of payment as result of loss

The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

(f) Protection of financial interests of Federal Government

In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may -

(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this part; and

(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g) of this section.

(g) Conveyance to governmental or nongovernmental entity of

property acquired by foreclosure (1) In any case in which a historic property is obtained pursuant to subsection (f) of this section, the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this subchapter.

(h) Assessment of fees in connection with loans

The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 470h of this title and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out purposes of this subchapter.

(i) Treatment of loans as non-Federal funds

Notwithstanding any other provision of law, any loan insured under this section shall be

treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

(j) Authorization of appropriations for payment of losses

Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e) of this section.

(k) Eligibility of debt obligation for purchase, etc., by Federal

Financing Bank No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

SOURCE

(Pub. L. 89-665, title I, Sec. 104, Oct. 15, 1966, 80 Stat. 917; Pub. L. 96-515, title II, Sec. 204, Dec. 12, 1980, 94 Stat. 2994.)

CODIFICATION

In subsec. (c), "December 12, 1980" substituted for "the date of enactment of this Act". "This Act" probably meant the National Historic Preservation Act Amendments of 1980 (Pub. L. 96-515) rather than the National Historic Preservation Act of 1966 (Pub. L. 89-665).

AMENDMENTS

1980 - Subsec. (a). Pub. L. 96-515 substituted provision authorizing the Secretary to establish and maintain a program by which he, upon application of a private lender, insure loans made by such lender to finance any project for the preservation of a property included on the National Register for provision prohibiting grants to surveys or projects receiving assistance from any other Federal program or activity.

Subsec. (b). Pub. L. 96-515 substituted provision prescribing loan qualifications for provision authorizing the President, in order to assure consistency in policies and actions and coordination of planning, acquisition, and development assistance to States with other related Federal programs, to issue regulations as deemed desirable.

Subsecs. (c) to (k). Pub. L. 96-515 added subsecs. (c) to (k).

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with historic preservation under sections 470 to 470a, 470b, and 470c to 470w-6 of this title with respect to pre- construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce

and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

§470e. Recordkeeping; recipients of assistance; audit

The beneficiary of assistance under this subchapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SOURCE

(Pub. L. 89-665, title I, Sec. 105, Oct. 15, 1966, 80 Stat. 917.)

§470f. Effect of Federal undertakings upon property listed in National Register; comment by Advisory Council on Historic Preservation

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 shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under part B of this subchapter a reasonable opportunity to comment with regard to such undertaking.

SOURCE

(Pub. L. 89-665, title I, Sec. 106, Oct. 15, 1966, 80 Stat. 917; Pub. L. 94-422, title II, Sec. 201(3), Sept. 28, 1976, 90 Stat. 1320.)

AMENDMENTS

1976 - Pub. L. 94-422 inserted "or eligible for inclusion in" after "included in".

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with historic preservation under sections 470 to 470a, 470b, and 470c to 470w-6 of this title with respect to pre- construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, Secs. 102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for

the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

REPORTING REQUIREMENTS OF ADVISORY COUNCIL ON HISTORIC PRESERVATION

Pub. L. 104-333, div. I, title V, Sec. 509(b), Nov. 12, 1996, 110 Stat. 4157, provided that: "Within 18 months after the date of enactment of this Act [Nov. 12, 1996], the Advisory Council on Historic Preservation shall submit a report to the appropriate congressional committees containing an analysis of alternatives for modifying the regulatory process for addressing impacts of Federal actions on nationally significant historic properties, as well as alternatives for future promulgation and oversight of regulations for implementation of section 106 of the National Historic Preservation Act [16 U.S.C. 470f]."

§470g. White House, United States Supreme Court building, and United States Capitol not included in program for preservation of historical properties

Nothing in this subchapter shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

SOURCE

(Pub. L. 89-665, title I, Sec. 107, Oct. 15, 1966, 80 Stat. 917.)

§470h. Historic Preservation Fund; establishment; appropriations; source of revenue

To carry out the provisions of this subchapter, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, and $150,000,000 for fiscal year 1981, and $150,000,000 for each of fiscal years 1982 through 2015, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 1338), and/or under section 7433(b) of title 10, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this subchapter and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: Provided, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

SOURCE

(Pub. L. 89-665, title I, Sec. 108, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, Sec. 1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93- 54, Sec. 1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, Sec. 201(4), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96-515, title II, Sec. 205, Dec. 12, 1980, 94 Stat. 2995; Pub. L.

100-127, Oct. 9, 1987, 101 Stat. 800; Pub. L. 102-575, title XL, Sec. 4011, Oct. 30, 1992, 106 Stat. 4760; Pub. L. 106-208, Secs. 2, 5(a)(7), May 26, 2000, 114 Stat. 318, 319; Pub. L. 109-453, Sec. 1(c), Dec. 22, 2006, 120 Stat. 3367.)

REFERENCES IN TEXT

The Outer Continental Shelf Lands Act, referred to in second par., is act Aug. 7, 1953, ch. 345, 67 Stat. 462, as amended, which is classified generally to subchapter III (Sec. 1331 et seq.) of chapter 29 of Title 43, Public Lands. Section 9 of the Act (43 U.S.C. 1338) provides for the disposition of revenues. For complete classification of this Act to the Code, see Short Title note set out under section 1331 of Title 43 and Tables.

CODIFICATION

"Section 7433(b) of title 10" substituted in text for "the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191)", which was classified to section 524 of former Title 34, Navy, on authority of act Aug. 10, 1956, ch. 1041, Sec. 49(b), 70A Stat. 640, the first section of which enacted Title 10, Armed Forces.

AMENDMENTS

2006 - Pub. L. 109-453 substituted "2015" for "2005".

2000 - Pub. L. 106-208 substituted "through 2005" for "through 1997" and "(43 U.S.C. 1338)" for "(43 U.S.C. 338)".

1992 - Pub. L. 102-575 substituted "1997" for "1992".

1987 - Pub. L. 100-127 substituted "1992" for "1987".

1980 - Pub. L. 96-515 inserted "and $150,000,000 for each of fiscal years 1982 through 1987" after "1981".

1976 - Pub. L. 94-422 substituted provisions establishing Historic Preservation Fund which contains appropriations obtained from revenues due and payable to United States pursuant to Outer Continental Shelf Lands Act and Act June 4, 1920 to carry out provisions of sections 470 to 470t of this title for provisions authorizing appropriations to carry out provisions of sections 470a, 470b, and 470c to 470h of this title of not more than $15,600,000 in fiscal year 1974, $20,000,000 in fiscal year 1975, and $24,400,000 in fiscal year 1976 to remain available until expended.

1973 - Pub. L. 93-54 substituted appropriations authorization of $15,600,000, $20,000,000 and $24,400,000 for fiscal years 1974 through 1976, respectively, for such authorization of $7,000,000, $10,000,000, and $15,000,000 for fiscal years 1971 through 1973, respectively.

1970 - Pub. L. 91-243 substituted provisions authorizing appropriations of not more than $7,000,000 for fiscal year 1971, and $10,000,000 and $15,000,000 for fiscal years 1972 and 1973, respectively, to carry out the provisions of sections 470a, 470b, and 470c, to 470h of this title for provisions authorizing the appropriation of not to exceed $2,000,000 for fiscal year 1967 and not more than $10,000,000 for the three succeeding fiscal years to carry out the provisions of sections 470 to 470b, and 470c to 470n of this title.

REVIEW OF OPERATION OF HISTORIC PRESERVATION FUND AND NATIONAL HISTORIC PRESERVATION PROGRAM; REPORT TO PRESIDENT AND CONGRESS

Section 504 of Pub. L. 96-515 provided that: "The Secretary shall submit a report directly to the President and the Congress on or before June 1, 1986, reviewing the operation of the Historic Preservation Fund and the national historic preservation program since the

enactment of this Act [Dec. 12, 1980] and recommending appropriate funding levels, the time period for the reauthorization for appropriations from the fund, and other appropriate legislative action to be undertaken upon the expiration of the current fund authorization."

§470h-1. Acceptance of privately donated funds by Secretary

(a) Authorization; use of funds

In furtherance of the purposes of this subchapter, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 470a of this title, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

(b) Consideration of factors respecting expenditure of funds

In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 470b of this title but the recipient of such funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund established by section 470h of this title.

(c) Transfer of unobligated funds

The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for the purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this subchapter.

SOURCE

(Pub. L. 89-665, title I, Sec. 109, as added Pub. L. 96-244, Sec. 1, May 19, 1980, 94 Stat. 346.)

§470h-2. Historic properties owned or controlled by Federal agencies

(a) Responsibilities of Federal agencies; program for

identification, evaluation, nomination, and protection (1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency, in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071). Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 470a(g) (!1) of this title, any preservation, as may be necessary to carry out this section.

(2) Each Federal agency shall establish (unless exempted pursuant to section 470v of this title), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure -

(A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;

(B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 470f of this title and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

(C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;

(D) that 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 with the private sector; and

(E) that the agency's procedures for compliance with section 470f of this title -

(i) are consistent with regulations issued by the Council pursuant to section 470s of this title;

(ii) provide a process for the identification and evaluation of historic properties for listing in 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 such properties will be considered; and (iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3002(c) of title 25.

(b) Records on historic properties to be altered or demolished;

deposit in Library of Congress or other appropriate agency Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 470a(a) of this title, in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

(c) Agency Preservation Officer; responsibilities; qualifications

The head of each Federal agency shall, unless exempted under section 470v of this title, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this subchapter. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 470a(h) (!2) of this title.

(d) Agency programs and projects

Consistent with the agency's missions and mandates, all Federal agencies 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 subchapter and, give consideration to programs and projects which will further the purposes of this subchapter.

(e) Review of plans of transferees of surplus federally owned

historic properties The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to

ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

(f) Planning and actions to minimize harm to National Historic

Landmarks Prior to the approval of any Federal undertaking which 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 such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

(g) Costs of preservation as eligible project costs

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

(h) Annual preservation awards program

The Secretary shall establish an annual preservation awards program under which he 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 resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

(i) Environmental impact statement

Nothing in this subchapter shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and nothing in this subchapter shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

(j) 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 section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.

(k) Assistance for adversely affected historic property

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 470f of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

(l) Documentation of decisions respecting undertakings

With respect to any undertaking subject to section 470f of this title which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the

Council, the head of such agency shall document any decision made pursuant to section 470f of this title. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 [16 U.S.C. 470f] memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

SOURCE

(Pub. L. 89-665, title I, Sec. 110, as added Pub. L. 96-515, title II, Sec. 206, Dec. 12, 1980, 94 Stat. 2996; amended Pub. L. 102- 575, title XL, Secs. 4006(b), 4012, Oct. 30, 1992, 106 Stat. 4757, 4760; Pub. L. 106-208, Secs. 4, 5(a)(8), May 26, 2000, 114 Stat. 318, 319; Pub. L. 108-352, Sec. 13, Oct. 21, 2004, 118 Stat. 1397.)

REFERENCES IN TEXT

Executive Order No. 13006, referred to in subsec. (a)(1), is set out as a note under section 3306 of Title 40, Public Buildings, Property, and Works.

The National Environmental Policy Act of 1969, referred to in subsec. (i), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (Sec. 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.

AMENDMENTS

2004 - Subsec. (l). Pub. L. 108-352 amended directory language of Pub. L. 106-208, Sec. 5(a)(8). See 2000 Amendment note below.

2000 - Subsec. (a)(1). Pub. L. 106-208, Sec. 4, substituted "agency, in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071)." for "agency." in second sentence.

Subsec. (l). Pub. L. 106-208, Sec. 5(a)(8), as amended by Pub. L. 108-352, substituted "pursuant to regulations issued by the Council" for "with the Council",.

1992 - Subsec. (a)(1). Pub. L. 102-575, Sec. 4012(1), substituted "section 470a(g)" for "section 470a(f)".

Subsec. (a)(2). Pub. L. 102-575, Sec. 4012(2), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "With the advice of the Secretary and in cooperation with the State historic preservation officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 470a(a)(2)(A) of this title. Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly." Subsec. (c). Pub. L. 102-575, Sec. 4006(b), substituted "section 470a(h)" for "section 470a(g)".

Subsecs. (k), (l). Pub. L. 102-575, Sec. 4012(3), added subsecs.

(k) and (l).

EX. ORD. NO. 13287. PRESERVE AMERICA

Ex. Ord. No. 13287, Mar. 3, 2003, 68 F.R. 10635, provided:

By the authority vested in me as President by the Constitution and the laws of the United

States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) (NHPA) and the National Environmental Policy Act [of 1969] (42 U.S.C. 4321 et seq.), it is hereby ordered:

Section 1. Statement of Policy. It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with State and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the NHPA and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

Sec. 2. Building Preservation Partnerships. When carrying out its mission activities, each agency, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with State and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each agency shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, and essential national department and agency mission requirements.

Sec. 3. Improving Federal Agency Planning and Accountability. (a) Accurate information on the state of Federally owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each agency with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 U.S.C. 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the agency's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account agency mission needs, public access considerations, and the long-term preservation of the historic properties. No later than September 30, 2004, each covered agency shall complete a report of the assessment and make it available to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior (Secretary).

(b) No later than September 30, 2004, each agency with real property management responsibilities shall review its regulations, management policies, and operating procedures for compliance with sections 110 and 111 of the NHPA (16 U.S.C. 470h-2 & 470-3) and make the results of its review available to the Council and the Secretary. If the agency determines that its regulations, management policies, and operating procedures are not in compliance with those authorities, the agency shall make amendments or revisions to bring them into compliance.

(c) Each agency with real property management responsibilities shall, by September 30, 2005, and every third year thereafter, prepare a report on its progress in identifying, protecting, and using historic properties in its ownership and make the report available to the Council and the Secretary. The Council shall incorporate this data into a report on the state of the Federal Government's historic properties and their contribution to local economic development and submit this report to the President by February 15, 2006, and every third year thereafter.

(d) Agencies may use existing information gathering and reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of this order. To assist agencies, the Council, in consultation with the Secretary, shall, by September 30, 2003, prepare advisory guidelines for agencies to use at their discretion.

(e) No later than June 30, 2003, the head of each agency shall designate a senior policy level official to have policy oversight responsibility for the agency's historic preservation program and notify the Council and the Secretary of the designation. This senior official shall be an assistant secretary, deputy assistant secretary, or the equivalent, as appropriate to the agency organization. This official, or a subordinate employee reporting directly to the official, shall serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The senior official shall ensure that the Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

Sec. 4. Improving Federal Stewardship of Historic Properties. (a) Each agency shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long- term preservation and use of those properties as Federal assets and, where consistent with agency missions, governing law, and the nature of the properties, contributes to the local community and its economy.

(b) Where consistent with agency missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, Federally owned historic properties.

(c) The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.

(d) The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.

(e) The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order. By March 31, 2004, the Council shall submit to the President and the heads of agencies recommendations to further stimulate initiative, creativity, and efficiency in the Federal stewardship of historic properties.

Sec. 5. Promoting Preservation Through Heritage Tourism.

(a) To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist States, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and

productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to Federally owned historic properties and significant natural assets on Federal lands.

(b) Where consistent with agency missions and governing law, and where appropriate, agencies shall use historic properties in their ownership in conjunction with State, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

Sec. 6. National and Homeland Security Considerations.

Nothing in this order shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

Sec. 7. Definitions. For the purposes of this order, the term "historic property" means any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 U.S.C. 470w(5)). The term "heritage tourism" means the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. The terms "Federally owned" and "in Federal ownership," and similar terms, as used in this order, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than 5 years.

Sec. 8. Judicial Review. This order is intended only to improve the internal management of the Federal Government and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

George W. Bush.

(!1) So in original. Probably should be 470a(h).

§470h-3. Lease or exchange of historic property

(a) Authorization; consultation with Council

Notwithstanding any other provision of law, any Federal agency after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may lease an 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 insure the preservation of the historic property.

(b) Proceeds of lease for administration, etc., of property;

deposit of surplus proceeds into Treasury The proceeds of any lease under subsection (a) of this section may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following

the fiscal year in which such proceeds were received.

(c) 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 Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of the historic property.

SOURCE

(Pub. L. 89-665, title I, Sec. 111, as added Pub. L. 96-515, title II, Sec. 207, Dec. 12, 1980, 94 Stat. 2997; amended Pub. L. 102- 575, title XL, Sec. 4013, Oct. 30, 1992, 106 Stat. 4761.)

AMENDMENTS

1992 - Subsec. (a). Pub. L. 102-575 substituted "after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may" for "may, after consultation with the Advisory Council on Historic Preservation,".

HISTORIC LEASE PROCESS SIMPLIFICATION Pub. L. 105-391, title VIII, Sec. 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."

§470h-4. Professional standards

(a) In general

Each Federal agency that is responsible for the protection of historic resources, including archaeological resources pursuant to this subchapter or any other law shall ensure each of the following -

(1)(A) All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning.

(B) Agency personnel or contractors responsible for historic resources shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of the disciplines involved. The Office of Personnel Management shall revise qualification standards within 2 years after October 30, 1992, for the disciplines involved, specifically archaeology, architecture, conservation, curation, history, landscape architecture, and planning. Such standards shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved.

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

(b) Guidelines

In order to promote the preservation of historic resources on properties eligible for listing in 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 subchapter include plans to -

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

(2) encourage owners to preserve such resources intact and in place and offer the owners of such resources information on the tax and grant assistance available for the donation of the resources or of a preservation easement of the resources;

(3) encourage the protection of Native American cultural items (within the meaning of section 3001(3) and (9) of title 25) and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

(4) encourage owners who are undertaking archaeological 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 section 3002(a)(2)(B) or (C) of title 25, given (!1) notice to and consult with such Indian tribe or Native Hawaiian organization.

SOURCE

(Pub. L. 89-665, title I, Sec. 112, as added Pub. L. 102-575, title XL, Sec. 4014, Oct. 30, 1992, 106 Stat. 4761; amended Pub. L. 106- 208, Sec. 5(a)(9), May 26, 2000, 114 Stat. 319.)

CODIFICATION

October 30, 1992, referred to in subsec. (a)(1)(B), was in the original "the date of enactment of this Act" which was translated as meaning the date of enactment of Pub. L. 102-575 which enacted this section, to reflect the probable intent of Congress.

AMENDMENTS

2000 - Subsec. (b)(3). Pub. L. 106-208 inserted closing parenthesis after "title 25".

(!1) So in original. Probably should be "give".

§470h-5. Interstate and international traffic in antiquities

(a) Study

In order to help control illegal interstate and international traffic in antiquities, including archaeological, curatorial, and architectural objects, and historical documents of all kinds, the Secretary shall study and report on the suitability and feasibility of alternatives for controlling

illegal interstate and international traffic in antiquities.

(b) Consultation

In conducting the study described in subsection (a) of this section the Secretary shall consult with the Council and other Federal agencies that conduct, cause to be conducted, or permit archaeological surveys or excavations or that have responsibilities for other kinds of antiquities and with State Historic Preservation Officers, archaeological, architectural, historical, conservation, and curatorial organizations, Indian tribes, Native Hawaiian organizations, and other Native American organizations, international organizations and other interested persons.

(c) Report

Not later than 18 months after October 30, 1992, the Secretary shall submit to Congress a report detailing the Secretary's findings and recommendations from the study described in subsection (a) of this section.

(d) Authorization

There are authorized to be appropriated not more than $500,000 for the study described in subsection (a) of this section, such sums to remain available until expended.

SOURCE

(Pub. L. 89-665, title I, Sec. 113, as added Pub. L. 102-575, title XL, Sec. 4015, Oct. 30, 1992, 106 Stat. 4762.)

PART B - ADVISORY COUNCIL ON HISTORIC PRESERVATION

§470i. Advisory Council on Historic Preservation

(a) Establishment; membership; Chairman

There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation which shall be composed of the following members:

(1) a Chairman appointed by the President selected from the general public;

(2) the Secretary of the Interior;

(3) the Architect of the Capitol;

(4) the Secretary of Agriculture and the heads of seven other agencies of the United States (other than the Department of the Interior) the activities of which affect historic preservation, designated by the President;

(5) one Governor appointed by the President;

(6) one mayor appointed by the President;

(7) the President of the National Conference of State Historic Preservation Officers;

(8) the Chairman of the National Trust for Historic Preservation;

(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines;

(10) three at-large members from the general public, appointed by the President; and

(11) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the tribe or organization of which he or she is a member, appointed by the President.

(b) Designation of substitutes

Each member of the Council specified in paragraphs (2) through (8) other than (6) of subsection (a) of this section may designate another officer of his department, agency, or organization to serve on the Council in his stead, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated.

(c) Term of office

Each member of the Council appointed under paragraph (1), and under paragraphs (9) through (11) of subsection (a) of this section shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

(d) Vacancies; term of office of members already appointed

A vacancy in the Council shall not affect its powers, but shall be filled, not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this subchapter as in effect on the day before December 12, 1980, shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after December 12, 1980.

(e) Designation of Vice Chairman

The President shall designate a Vice Chairman, from the members appointed under paragraph (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.

(f) Quorum

12 members of the Council shall constitute a quorum.

SOURCE

(Pub. L. 89-665, title II, Sec. 201, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, Sec. 1(b)-(e), May 9, 1970, 84 Stat. 204; Pub. L. 93-54, Sec. 1(c), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, Sec. 201(5), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96-515, title III, Sec. 301(a)-(f), Dec. 12, 1980, 94 Stat. 2998, 2999; Pub. L. 102-575, title XL, Secs. 4016, 4019(b), Oct. 30, 1992, 106 Stat. 4763, 4765; Pub. L. 104-333, div. I, title V, Sec. 509(c)(1), (2), Nov. 12, 1996, 110 Stat. 4157; Pub. L. 109-453, Sec. 1(d),

Dec. 22, 2006, 120 Stat. 3367.)

AMENDMENTS

2006 - Subsec. (a)(4). Pub. L. 109-453, Sec. 1(d)(1), substituted "seven" for "four".

Subsec. (b). Pub. L. 109-453, Sec. 1(d)(2), struck out "(5) and" before "(6)".

Subsec. (f). Pub. L. 109-453, Sec. 1(d)(3), substituted "12" for "Nine".

1996 - Subsec. (a)(4). Pub. L. 104-333, Sec. 509(c)(1), substituted "designated by the President" for "appointed by the President".

Subsec. (c). Pub. L. 104-333, Sec. 509(c)(2), which directed substitution of "through (11)" for "and 10", was executed by making the substitution for "and (10)" to reflect the probable intent of Congress.

1992 - Subsec. (a). Pub. L. 102-575, Sec. 4019(b), which directed amendment of subsec. (a) by striking "(hereafter referred to as the 'Council')", was executed by striking "(hereinafter referred to as the 'Council')" after "Historic Preservation" in introductory provisions to reflect the probable intent of Congress.

Subsec. (a)(11). Pub. L. 102-575, Sec. 4016, added par. (11).

1980 - Subsec. (a). Pub. L. 96-515, Sec. 301(a), revised the composition of the Council by reducing the membership from twenty- nine to eighteen members, provided flexibility for Federal agencies who will be represented, ensured that appropriate expertise will be available, and provided representation for State and local governments.

Subsec. (b). Pub. L. 96-515, Sec. 301(b), substituted "(2) through (8) (other than (5) and (6))" and "(1) through (17)" and inserted ", except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated" following "in his stead".

Subsec. (c). Pub. L. 96-515, Sec. 301(c), substituted provision that the Chairman appointed by the President from the general public, each of the four experts appointed by the President, and each of the three at-large members appointed by the President from the general public serve a term of four years from the expiration of his predecessor's term, except that the members first appointed serve terms of one to four years in such a manner as to insure that the terms of not more than two of them expire in any one year, the one Governor and the one mayor appointed by the President serve for the term of their elected office but not in excess of four years, an appointed member not serve for more than two terms, and an appointed member whose term expired serve until his successor has been appointed for provision that each of the twelve members appointed by the President from outside the Federal Government serve for a term of five years from expiration of his predecessor's term, except that the members first appointed serve for terms of one to five years in such a manner as to insure that the terms of not less than one nor more than two of them expire in any one year.

Subsec. (d). Pub. L. 96-515, Sec. 301(d), inserted provision that a vacancy be filled not later than sixty days after it commences, members of the Council appointed by the President before Dec. 12, 1980 remain in office until all members of the Council, as specified by this section, have been appointed, and members first appointed be appointed not later than 180 days after Dec. 12, 1980.

Subsec. (e). Pub. L. 96-515, Sec. 301(e), substituted provision authorizing the President to designate a Vice Chairman from among specified members of the Council for provision authorizing the President to designate a Chairman and Vice Chairman.

Subsec. (f). Pub. L. 96-515, Sec. 301(f), substituted "Nine" for "Fifteen".

1976 - Subsec. (a)(9) to (18). Pub. L. 94-422 added pars. (9) to (14) and (17), and redesignated former pars. (9), (10), and (11) as (15), (16), and (18), respectively, and in par. (18), as so redesignated, substituted "twelve" for "ten".

Subsec. (b). Pub. L. 94-422 substituted "(17)" for "(10)".

Subsec. (c). Pub. L. 94-422 substituted "(18)" for "(11)".

Subsec. (d). Pub. L. 94-422 reenacted subsec. (d) without change.

Subsec. (e). Pub. L. 94-422 enlarged Presidential authority to include designation of Vice Chairman, who shall act in place of Chairman during the absence or disability of Chairman or when the office is vacant.

Subsec. (f). Pub. L. 94-422 substituted "Fifteen" for "Eleven".

Subsec. (g). Pub. L. 94-422 struck out subsec. (g) which provided that the Council shall continue in existence until Dec. 31, 1985.

1973 - Subsec. (g). Pub. L. 93-54 added subsec. (g).

1970 - Subsec. (a). Pub. L. 91-243, Sec. 1(b), enlarged the Council from seventeen to twenty members, added pars. (7) to (9), and redesignated former pars. (7) and (8) as (10) and (11), respectively.

Subsec. (b). Pub. L. 91-243, Sec. 1(c), substituted "(10)" for "(6)".

Subsec. (c). Pub. L. 91-243, Sec. 1(d), substituted "(11)" for "(8)".

Subsec. (f). Pub. L. 91-243, Sec. 1(e), substituted "Eleven" for "Eight".

§470j. Functions of Council; annual report to President and Congress; recommendations

(a) Duties

The Council shall -

(1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;

(4) advise as to guidelines for the assistance of State and local governments in drafting

legislation relating to historic preservation;

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;

(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this subchapter; and

(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

(b) Annual report

The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this subchapter.

SOURCE

(Pub. L. 89-665, title II, Sec. 202, Oct. 15, 1966, 80 Stat. 918; Pub. L. 96-515, title III, Sec. 301(g), Dec. 12, 1980, 94 Stat. 2999.)

AMENDMENTS

1980 - Subsec. (a)(6), (7). Pub. L. 96-515, Sec. 301(g)(1), added pars. (6) and (7).

Subsec. (b). Pub. L. 96-515, Sec. 301(g)(2), inserted provision requiring in the Council's report an assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector.

TERMINATION OF REPORTING REQUIREMENTS For termination, effective May 15, 2000, of provisions in subsec.

(b) of this section relating to submittal to Congress, annually, of a comprehensive report of activities and results of studies, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 154 of House Document No. 103-7.

RELATIONSHIP OF FEDERAL TAX LAWS TO HISTORIC PRESERVATION; REPORT TO PRESIDENT AND CONGRESS

Section 503 of Pub. L. 96-515 directed the Advisory Council on Historic Preservation to submit a report, within one year of Dec. 12, 1980, to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation.

§470k. Cooperation between Council and instrumentalities of executive

branch of Federal Government

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this part; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

SOURCE

(Pub. L. 89-665, title II, Sec. 203, Oct. 15, 1966, 80 Stat. 918.)

§470l. Compensation of members of Council

The members of the Council specified in paragraphs (2), (3), and (4) of section 470i(a) of this title shall serve without additional compensation. The other members of the Council shall receive $100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

SOURCE

(Pub. L. 89-665, title II, Sec. 204, Oct. 15, 1966, 80 Stat. 918; Pub. L. 91-243, Sec. 1(f), May 9, 1970, 84 Stat. 204; Pub. L. 94- 422, title II, Sec. 201(6), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96-515, title III, Sec. 301(h), Dec. 12, 1980, 94 Stat. 2999.)

AMENDMENTS

1980 - Pub. L. 96-515 substituted "paragraphs (2), (3), and (4)" for "paragraphs (1) and (17)" and "other members of the Council" for "members of the Council under paragraph (18) of section 470i(a) of this title".

1976 - Pub. L. 94-422 substituted "(17)" for "(10)" and "(18)" for "(11)".

1970 - Pub. L. 91-243 substituted "(10)" for "(7)" and "(11)" for "(8)".

§470m. Administration

(a) Executive Director of Council; appointment; functions and

duties There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

(b) General Counsel; appointment; functions and duties

The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate,

including enforcement of agreements with Federal agencies to which the Council is a party, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

(c) Appointment and compensation of officers and employees

The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5: Provided, however, That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5.

(d) Appointment and compensation of additional personnel

The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and chapter 51 and subchapter Ill of chapter 53 of title 5.

(e) Expert and consultant services; procurement

The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5.

(f) Financial and administrative services

Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.

(g) Use of funds, personnel, facilities, and services of Federal

agencies Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities and services under its jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain by purchase, rental, donation, or otherwise, such additional property (!1) facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this subchapter.

SOURCE

(Pub. L. 89-665, title II, Sec. 205, Oct. 15, 1966, 80 Stat. 919; Pub. L. 91-243, Sec. 1(g), May 9, 1970, 84 Stat. 204; Pub. L. 94- 422, title II, Sec. 201(7), Sept. 28, 1976, 90 Stat. 1321; Pub. L. 96-515, title III, Sec. 301(i), (j), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 104-333, div. I, title V, Sec. 509(c)(4), Nov. 12, 1996, 110 Stat. 4158; Pub. L. 106-176, title I, Sec. 109, Mar. 10, 2000, 114 Stat. 26; Pub. L. 109-453, Sec. 1(e), Dec. 22, 2006, 120 Stat. 3367.)

CODIFICATION

In subsec. (d), "chapter 51 and subchapter III of chapter 53 of title 5" was substituted for "the Classification Act of 1949" on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

2006 - Subsec. (f). Pub. L. 109-453 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: Provided, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Council: And provided further, That the Council shall not be required to prescribe such regulations." 2000 - Subsec. (g). Pub. L. 106-176 substituted "for that purpose." for "for the purpose.".

1996 - Subsec. (g). Pub. L. 104-333 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "The members of the Council specified in paragraphs (2) through (4) of section 470i(a) of this title shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this subchapter." 1980 - Subsec. (b). Pub. L. 96-515, Sec. 301(i), inserted ", including enforcement of agreements with Federal agencies to which the Council is a party" after "wherever appropriate".

Subsec. (g). Pub. L. 96-515, Sec. 301(j), substituted "paragraphs (2) through (4)" for "paragraphs (1) through (16)" and inserted provision authorizing the Council to accept donations of moneys and the Executive Director, in his discretion, to accept, hold, use, expend, and administer such moneys.

1976 - Subsec. (a). Pub. L. 94-422 substituted provisions authorizing appointment of the Executive Director by the Chairman and that the Executive Director shall report to the Council who shall prescribe his functions and duties for provisions designating the Director of the National Park Service or his designee as the Executive Director of the Council and incorporated provisions relating to furnishing of financial and administrative services by the Department of the Interior in subsec. (f).

Subsec. (b). Pub. L. 94-422 substituted provisions authorizing appointment of a General

Counsel by the Executive Director and such other attorneys as may be necessary to assist General Counsel for provisions authorizing Council to appoint and fix compensation of additional personnel as may be necessary to carry out its duties.

Subsec. (c). Pub. L. 94-422 substituted provisions authorizing Executive Director to appoint and fix the compensation of officers and employees for provisions authorizing Council to procure temporary and intermittent services to the same extent as is authorized by section 55a of title 5, but at rates not to exceed $50 per diem for individuals.

Subsec. (d). Pub. L. 94-422 substituted provisions authorizing Executive Director to appoint and fix compensation of additional personnel for provisions relating to members of Council furnishing, on a reimbursable basis, such facilities and services under their jurisdiction and control as may be needed by the Council.

Subsec. (e). Pub. L. 94-422 added subsec. (e).

Subsec. (f). Pub. L. 94-422 incorporated provisions of former subsec. (a).

Subsec. (g). Pub. L. 94-422 added subsec. (g).

1970 - Subsec. (d). Pub. L. 91-243 substituted "(9)" for "(6)".

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, Sec. 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

(!1) So in original. Probably should be followed by a comma.

§470n. International Centre for Study of 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 hereby 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 which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

(c) Authorization of appropriations and payments

For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: Provided, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessments shall begin in fiscal year 1981, but shall include earlier costs.

SOURCE

(Pub. L. 89-665, title II, Sec. 206, as added Pub. L. 91-243, Sec. 2, May 9, 1970, 84 Stat. 204; amended Pub. L. 93-54, Sec. 1(b), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, Sec. 201(8), Sept. 28, 1976, 90 Stat. 1322; Pub. L. 96-199, title I, Sec. 114, Mar. 5, 1980, 94 Stat. 71; Pub. L. 106-208, Sec. 5(b), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000 - Subsec. (c). Pub. L. 106-208, made technical correction to directory language of Pub. L. 96-199. See 1980 Amendment note below.

1980 - Subsec. (c). Pub. L. 96-199, as amended by Pub. L. 106- 208, substituted "there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982" for "there are authorized to be appropriated not more than $175,000 per year for fiscal years 1977, 1978, and 1979" in the existing provisions and inserted provision that the authorization for the payment of assessments should begin in fiscal year 1981 but should include earlier costs.

1976 - Subsec. (c). Pub. L. 94-422 substituted provisions authorizing appropriations of not more than $175,000 per year for fiscal years 1977, 1978, and 1979 for provisions authorizing appropriations of not more than $100,000 in fiscal year 1974, $100,000 in fiscal year 1975, and $125,000 in fiscal year 1976 and struck out "effective January 1, 1974," after "Provided, That".

1973 - Subsec. (c). Pub. L. 93-54 added subsec. (c) and repealed former subsec. (c) authorizing appropriation of $100,000 annually for fiscal years 1971 through 1973.

§470o. Transfer of personnel, property, etc., by Department of the Interior to Council; time limit

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

SOURCE

(Pub. L. 89-665, title II, Sec. 207, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1322.)

REFERENCES IN TEXT

The effective date of this Act, referred to in text, probably means the effective date of Pub. L. 94-422, which was approved on Sept. 28, 1976.

§470p. Rights, benefits, and privileges of transferred employees

Any employee in the competitive service of the United States transferred to the Council under

the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

SOURCE

(Pub. L. 89-665, title II, Sec. 208, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1322.)

§470q. Operations of Council; exemption

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of subchapter II of chapter 5, and chapter 7, of title 5 shall govern the operations of the Council.

SOURCE

(Pub. L. 89-665, title II, Sec. 209, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1322.)

REFERENCES IN TEXT

The Federal Advisory Committee Act (86 Stat. 770), referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is classified to the Appendix of Title 5, Government Organization and Employees.

CODIFICATION

"Subchapter II of chapter 5, and chapter 7 of title 5" substituted in text for "the Administrative Procedure Act (80 Stat. 381)" on authority of Pub. L. 89-554, Sec. 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§470r. Transmittal of legislative recommendations, or testimony, or comments, to any officer or agency of the United States prior to submission thereof to Congress; prohibition

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 such recommendations, testimony, or comments to the Congress. In instances in which 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 such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

SOURCE

(Pub. L. 89-665, title II, Sec. 210, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1322; amended Pub. L. 96- 515, title III, Sec. 301(k), Dec. 12, 1980, 94 Stat. 2999.)

AMENDMENTS

1980 - Pub. L. 96-515 struck out provision requiring the Council, whenever it transmits any legislative recommendations, or testimony, or comments on legislation to the President or

Office of Management and Budget, to concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs.

§470s. Rules and regulations; participation by local governments

The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 470f of this title in its entirety. 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 470f of this title which affect such local governments.

SOURCE

(Pub. L. 89-665, title II, Sec. 211, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1322; amended Pub. L. 96- 515, title III, Sec. 301(l), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 102-575, title XL, Sec. 4018, Oct. 30, 1992, 106 Stat. 4763.)

AMENDMENTS

1992 - Pub. L. 102-575 inserted "in its entirety" before period at end of first sentence.

1980 - Pub. L. 96-515 inserted provision authorizing the Council to establish procedures as 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 470f of this title which affect such local governments.

§470t. Budget; authorization of appropriations

(a) Time of submission; related department; authorized

appropriations The Council shall submit its budget annually as a related agency of the Department of the Interior. There are authorized to be appropriated such amounts as may be necessary to carry out this part.

(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 House and Senate Appropriations Committees and the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

SOURCE

(Pub. L. 89-665, title II, Sec. 212, as added Pub. L. 94-422, title II, Sec. 201(9), Sept. 28, 1976, 90 Stat. 1323; amended Pub. L. 95- 625, title VI, Sec. 614, Nov. 10, 1978, 92 Stat. 3521; Pub. L. 96- 205, title VI, Sec. 608(a)(3), Mar. 12, 1980, 94 Stat. 92; Pub. L. 96-244, Sec. 2, May 19, 1980, 94 Stat. 346; Pub. L. 96-515, title III, Sec. 302(b), Dec. 12, 1980, 94 Stat. 3000; Pub. L. 98-483, Oct. 17, 1984, 98 Stat. 2258; Pub. L. 101-70, Aug. 3, 1989, 103 Stat. 180; Pub. L. 102-575, title XL, Sec. 4017, Oct. 30, 1992, 106 Stat. 4763; Pub. L. 103-437, Sec. 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333,

div. I, title V, Sec. 509(a), Nov. 12, 1996, 110 Stat. 4157; Pub. L. 106-208, Sec. 3, May 26, 2000, 114 Stat. 318; Pub. L. 109-453, Sec. 1(f), Dec. 22, 2006, 120 Stat. 3368.)

AMENDMENTS

2006 - Subsec. (a). Pub. L. 109-453, which directed amendment of subsec. (a) by substituting "such amounts as may be necessary to carry out this part" for "for purposes of this part not to exceed $4,000,000 for each fiscal year 1997 through 2005", was executed by making the substitution for "for the purposes of this part not to exceed $4,000,000 in each fiscal year 1997 through 2005" to reflect the probable intent of Congress.

2000 - Subsec. (a). Pub. L. 106-208 substituted "2005" for "2000".

1996 - Subsec. (a). Pub. L. 104-333 amended last sentence generally. Prior to amendment, last sentence read as follows: "There are authorized to be appropriated for purposes of this part not to exceed $5,000,000 for each of the fiscal years 1993 through 1996." 1994 - Subsec. (b). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

1992 - Subsec. (a). Pub. L. 102-575 substituted provision authorizing appropriations for purposes of this part of not to exceed $5,000,000 for each of fiscal years 1993 through 1996 for provision authorizing appropriations of not to exceed $2,500,000 in each fiscal year 1990 through 1994.

1989 - Subsec. (a). Pub. L. 101-70 substituted provision authorizing appropriations of not to exceed $2,500,000 in each fiscal year 1990 through 1994 for provision authorizing appropriations, to carry out provisions of this part, of not more than $2,500,000 for each of the fiscal years 1985 through 1989.

1984 - Subsec. (a). Pub. L. 98-483 substituted provision authorizing appropriations of not more than $2,500,000 for each of the fiscal years 1985 through 1989 for provision authorizing appropriations of not more than $1,500,000 to $2,250,000 in increments of $250,000 for fiscal years 1977 through 1980, and not more than $2,500,000 for each of the fiscal years 1981 through 1983.

1980 - Subsec. (a). Pub. L. 96-244 inserted "$2,500,000 in the fiscal year 1981, $2,500,000 in fiscal year 1982, and $2,500,000 in fiscal year 1983" after "in fiscal year 1980".

Subsec. (b). Pub. L. 96-515 substituted "Senate Committee on Energy and Natural Resources" for "Senate Committee on Interior and Insular Affairs", which amendment is identical to the amendment by section 608(a)(3) of Pub. L. 96-205, thereby requiring no change in text.

Pub. L. 96-205 substituted "Energy and Natural Resources" for "Interior and Insular Affairs".

1978 - Subsec. (a). Pub. L. 95-625 authorized appropriation of $2,250,000 in fiscal year 1980.

§470u. Report by Secretary to Council

To assist the Council in discharging its responsibilities under this subchapter, 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.

SOURCE

(Pub. L. 89-665, title II, Sec. 213, as added Pub. L. 96-515, title III, Sec. 302(a), Dec. 12, 1980, 94 Stat. 3000.)

§470v. Exemption for Federal programs or undertakings; regulations

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 subchapter when such exemption is determined to be consistent with the purposes of this subchapter, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.

SOURCE

(Pub. L. 89-665, title II, Sec. 214, as added Pub. L. 96-515, title III, Sec. 302(a), Dec. 12, 1980, 94 Stat. 3000.)

§470v-1. 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 the purposes of this subchapter.

SOURCE

(Pub. L. 89-665, title II, Sec. 215, as added Pub. L. 104-333, div. I, title V, Sec. 509(c)(3), Nov. 12, 1996, 110 Stat. 4157.)

§470v-2. Effectiveness of Federal grant and assistance programs

(a) Cooperative agreements

The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this subchapter. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this subchapter or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

(b) Review of grant and assistance programs

The Council may -

(1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this subchapter;

(2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the subchapter and to improve its effectiveness in carrying out those purposes and policies; and

(3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this subchapter, including recommendations with regard to appropriate funding levels.

SOURCE

(Pub. L. 89-665, title II, Sec. 216, as added Pub. L. 109-453, Sec. 1(g), Dec. 22, 2006, 120 Stat. 3368.)

PART C - GENERAL AND MISCELLANEOUS

§470w. Definitions

As used in this subchapter, the term -

(1) "Agency" means agency as such term is defined in section 551 of title 5.

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau.

(3) "Local government" means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

(4) "Indian tribe" or "tribe" means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in section 1602 of title 43, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) "Historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.

(6) "National Register" or "Register" means the National Register of Historic Places established under section 470a of this title.

(7) "Undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including -

(A) those carried out by or on behalf of the agency;

(B) those carried out with Federal financial assistance;

(C) those requiring a Federal permit license, or approval; and (D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

(8) "Preservation" or "historic preservation" includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities.

(9) "Cultural park" means a definable area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

(10) "Historic conservation district" means an area which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

(11) "Secretary" means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(12) "State historic preservation review board" means a board, council, commission, or other similar collegial body established as provided in section 470a(b)(1)(B) of this title -

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law), (B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture, and (C) which has the authority to -

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Officer; and

(iv) perform such other duties as may be appropriate.

(13) "Historic preservation review commission" means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 470a(c)(1)(B) of this title, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among -

(A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent such professionals are available in the community concerned, and (B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

(14) "Tribal lands" means -

(A) all lands within the exterior boundaries of any Indian reservation; and

(B) all dependent Indian communities.

(15) "Certified local government" means a local government whose local historic preservation program has been certified pursuant to section 470a(c) of this title.

(16) "Council" means the Advisory Council on Historic Preservation established by section 470i of this title.

(17) "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(18) "Native Hawaiian organization" means any organization which -

(A) serves and represents the interests of Native Hawaiians;

(B) has as a primary and stated purpose the provision of services to Native Hawaiians; and

(C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

SOURCE

(Pub. L. 89-665, title III, Sec. 301, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3001; amended Pub. L. 102-575, title XL, Sec. 4019(a), Oct. 30, 1992, 106 Stat. 4763; Pub. L. 106-208, Sec. 5(a)(10), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000 - Par. (12)(C)(iii). Pub. L. 106-208 substituted semicolon for comma after "Officer".

1992 - Par. (1). Pub. L. 102-575, Sec. 4019(a)(1), struck out ", except that in the case of any Federal program exempted under section 470v of this title, the agency administering such program shall not be treated as an agency with respect to such program" after "title 5".

Par. (2). Pub. L. 102-575, Sec. 4019(a)(2), substituted "the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau" for "the Trust Territories of the Pacific Islands".

Par. (4). Pub. L. 102-575, Sec. 4019(a)(3), amended par. (4) generally. Prior to amendment, par. (4) read as follows: " 'Indian tribe' means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act." Par. (5). Pub. L. 102-575, Sec. 4019(a)(4), substituted "Register, including artifacts, records, and material remains related to such a property or resource." for "Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object." Par. (7). Pub. L. 102-575, Sec. 4019(a)(5), amended par. (7) generally. Prior to amendment, par. (7) read as follows: " 'Undertaking' means any action as described in section 470f of this title." Par. (8). Pub. L. 102-575, Sec. 4019(a)(6), substituted "maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities," for "maintenance and reconstruction,".

Par. (9). Pub. L. 102-575, Sec. 4019(a)(7), substituted "definable area" for "definable urban area".

Par. (10). Pub. L. 102-575, Sec. 4019(a)(8), substituted "an area" for "an urban area of one or more neighborhoods and".

Par. (11). Pub. L. 102-575, Sec. 4019(a)(9), inserted "acting through the Director of the National Park Service" after "of the Interior".

Par. (12)(B). Pub. L. 102-575, Sec. 4019(a)(10), substituted "architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture" for "and architecture".

Par. (13)(A). Pub. L. 102-575, Sec. 4019(a)(11), substituted "prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture" for "archaeology".

Pars. (14) to (18). Pub. L. 102-575, Sec. 4019(a)(12), added pars. (14) to (18).

HISTORIC PRESERVATION FUND MATCHING GRANT ASSISTANCE Pub. L. 102-381, title I, Oct. 5, 1992, 106 Stat. 1382, provided in part: "That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance, in fiscal year 1993 and thereafter, as authorized under 16 U.S.C. 470w(2)".

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands and the Trusteeship Agreement, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§470w-1. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this subchapter, except to the extent appropriations legislation expressly provides otherwise.

SOURCE

(Pub. L. 89-665, title III, Sec. 302, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3002.)

§470w-2. Donations and bequests of money, personal property and less than fee interests in historic property

(a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this subchapter and shall hold, use, expend, and administer the same for such purposes.

(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this subchapter shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

SOURCE

(Pub. L. 89-665, title III, Sec. 303, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3002.)

§470w-3. Access to information

(a) Authority to withhold from disclosure

The head of a Federal agency or other public official receiving grant assistance pursuant to this subchapter, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may -

(1) cause a significant invasion of privacy;

(2) risk harm to the historic resources; or

(3) impede the use of a traditional religious site by practitioners.

(b) Access determination

When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this subchapter.

(c) Consultation with Council

When the information in question has been developed in the course of an agency's compliance with section 470f or 470h-2(f) of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

SOURCE

(Pub. L. 89-665, title III, Sec. 304, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3002; amended Pub. L. 102-575, title XL, Sec. 4020, Oct. 30, 1992, 106 Stat. 4765.)

AMENDMENTS

1992 - Pub. L. 102-575 amended section generally. Prior to amendment, section read as follows: "The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located."

§470w-4. Attorneys' fees and costs to prevailing parties in civil actions

In any civil action brought in any United States district court by any interested person to enforce the provisions of this subchapter, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

SOURCE

(Pub. L. 89-665, title III, Sec. 305, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3002.)

§470w-5. National Museum for the Building Arts

(a) Cooperative agreement between Secretary, Administrator of

General Services Administration and Committee for National Museum of the Building Arts; purposes

In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall -

(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

(5) encourage contributions to the building arts.

(b) Provisions of cooperative agreement

The cooperative agreement referred to in subsection (a) of this section shall include provisions which -

(1) make the site available to the Committee referred to in subsection (a) of this section without charge;

(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this subchapter.

(c) Matching grants-in-aid to Committee; limitation on amounts

The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than $500,000 may be provided to the Committee in any one fiscal year.

(d) Renovation of site

The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable -

(1) be commenced immediately, (2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and (3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

(e) Annual Committee report to Secretary and Administrator

The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

(f) "Building arts" defined

For purposes of this section, the term "building arts" includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

SOURCE

(Pub. L. 89-665, title III, Sec. 306, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3002.)

§470w-6. Effective date of regulations

(a) Effective date of final regulations

No final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

(b) Disapproval of regulation by resolution of Congress

The regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of , which regulation was transmitted to Congress on ," the blank spaces therein being appropriately filled.

(c) Failure of Congress to adopt resolution of disapproval of

regulation If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) Sessions of Congress

For the purposes of this section -

(1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

(e) Congressional inaction or rejection of resolution of

disapproval not deemed approval of regulation Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

SOURCE

(Pub. L. 89-665, title III, Sec. 307, as added Pub. L. 96-515, title V, Sec. 501, Dec. 12, 1980, 94 Stat. 3004; amended Pub. L. 103-437, Sec. 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104- 333, div. I, title VIII, Sec. 814(d)(1)(O), (2)(E), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106-176, title I, Sec. 120(a)(2), Mar. 10, 2000, 114 Stat. 28; Pub. L. 106-208, Sec. 5(a)(11)-(13), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000 - Subsec. (a). Pub. L. 106-208, Sec. 5(a)(11), substituted "No final regulation" for "Except as provided in subsection (b) of this section, no final regulation".

Pub. L. 106-176 made technical correction to directory language of Pub. L. 104-333, Sec. 814(d)(2)(E). See 1996 Amendment note below.

Subsec. (b). Pub. L. 106-208, Sec. 5(a)(13), redesignated subsec.

(c) as (b).

Subsec.(c). Pub. L. 106-208, Sec. 5(a)(13), redesignated subsec.

(d) as (c). Former subsec. (c) redesignated (b).

Pub. L. 106-208, Sec. 5(a)(12), which directed the amendment of subsec. (c) by substituting "The regulation" for "Except as provided in subsection (b) of this section, the regulation", was executed by making the substitution for text that did not include the phrase "of this section".

Subsecs. (d) to (f). Pub. L. 106-208, Sec. 5(a)(13), redesignated subsecs. (d) to (f) as (c) to (e), respectively.

1996 - Subsec. (a). Pub. L. 104-333, Sec. 814(d)(2)(E), as amended by Pub. L. 106-176, struck out first two sentences which read as follows: "At least thirty days prior to publishing in the Federal Register any proposed regulation required by this subchapter, the Secretary shall transmit a copy of the regulation to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any final regulation prior to its publication in the Federal Register." Subsec. (b). Pub. L. 104-333, Sec. 814(d)(1)(O), struck out subsec. (b) which read as follows: "In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) of this section if the Secretary notified in writing the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period." 1994 - Subsecs. (a), (b). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" after "Committee on".

§470w-7. Historic lighthouse preservation

(a) In general

In order to provide a national historic light station program, the Secretary shall -

(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

(3) sponsor or conduct research and study into the history of light stations;

(4) maintain a listing of historic light stations; and

(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

(b) Conveyance of historic light stations

(1) Process and policy

Not later than 1 year after October 24, 2000, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.

(2) Application review

The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be "excess property" as that term is defined in section 102(3) of title 40, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.

(3) Conveyance of historic light stations

(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) of this section after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).

(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.

(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) of this section and any other terms or conditions the Secretary considers necessary to protect

the resources of the park unit or wildlife refuge.

(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) of this section and subsection (c)(2) of this section and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this subchapter, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

(c) Terms of conveyance

(1) In general

The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that -

(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;

(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;

(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this subchapter, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;

(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any

associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and

(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.

(2) Maintenance of aid to navigation

Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14 to the eligible entity.

(3) Reversion

In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if -

(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;

(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this subchapter, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;

(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;

(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or

(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

(4) Light stations originally conveyed under other authority

Upon receiving notice of an executed or intended conveyance by an owner who -

(A) received from the Federal Government under authority other than this subchapter an historic light station in which the United States retains a reversionary or other interest; and

(B) is conveying it to another person by sale, gift, or any other manner, the Secretary shall review the terms of the executed or proposed conveyance to ensure that any new owner is

capable of or is complying with any and all conditions of the original conveyance.

The Secretary may require the parties to the conveyance and relevant Federal agencies to provide such information as is necessary to complete this review. If the Secretary determines that the new owner has not or is unable to comply with those conditions, the Secretary shall immediately advise the Administrator, who shall invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.

(d) Description of property

(1) In general

The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.

(2) Artifacts

Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.

(3) Covenants

All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.

(4) Submerged lands

No submerged lands shall be conveyed under this section.

(e) Definitions

For purposes of this section:

(1) Administrator

The term "Administrator" shall mean the Administrator of General Services.

(2) Historic light station

The term "historic light station" includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the "historic light station" shall be included in or eligible for inclusion in the National Register of Historic Places.

(3) Eligible entity

The term "eligible entity" shall mean:

(A) any department or agency of the Federal Government; or

(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that -

(i) has agreed to comply with the conditions set forth in subsection (c) of this section and to have such conditions recorded with the deed of title to the historic light station; and

(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c) of this section.

(4) Federal aid to navigation

The term "Federal aid to navigation" shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

(5) Secretary

The term "Secretary" means the Secretary of the Interior.

SOURCE

(Pub. L. 89-665, title III, Sec. 308, as added Pub. L. 106-355, Sec. 2, Oct. 24, 2000, 114 Stat. 1385; amended Pub. L. 106-400, Sec. 2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 108-293, title VI, Sec. 627, Aug. 9, 2004, 118 Stat. 1066.)

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (b)(3)(A), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended, which is classified principally to chapter 119 (Sec. 11301 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 11301 of Title 42 and Tables.

Section 416(d) of the Coast Guard Authorization Act of 1998, referred to in subsec. (b)(3)(A), is section 416(d) of Pub. L. 105- 383, which is set out as a note under section 93 of Title 14, Coast Guard.

CODIFICATION

In subsec. (b)(2), "section 102 of title 40" substituted for "the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e))" on authority of Pub. L. 107-217, Sec. 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2004 - Subsec. (c)(4). Pub. L. 108-293 added par. (4).

2000 - Subsec. (b)(3)(A). Pub. L. 106-400 substituted "McKinney- Vento Homeless Assistance Act" for "Stewart B. McKinney Homeless Assistance Act".

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections

468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§470w-8. Historic light station sales

(a) In general

In the event no applicants are approved for the conveyance of a historic light station pursuant to section 470w-7 of this title, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 470w-7, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2), of this title. Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

(b) Net sale proceeds

Net sale proceeds from the disposal of a historic light station -

(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant (!1) Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) [16 U.S.C. 5401 et seq.] within the Department of the Interior; and

(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

SOURCE

(Pub. L. 89-665, title III, Sec. 309, as added Pub. L. 106-355, Sec. 3, Oct. 24, 2000, 114 Stat. 1389.)

REFERENCES IN TEXT

The National Maritime Heritage Act of 1994, referred to in subsec. (b)(1), is Pub. L. 103-451, Nov. 2, 1994, 108 Stat. 4769, as amended, which is classified generally to chapter 74 (Sec. 5401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5401 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

(!1) So in original. Probably should be "Grants".

PART D - NATIONAL CENTER FOR PRESERVATION TECHNOLOGY AND TRAINING

§470x. Findings

The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and promote research, distribute information, and provide training about preservation skills and technologies would be beneficial.

SOURCE

(Pub. L. 89-665, title IV, Sec. 401, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4765.)

§470x-1. Definitions

For the purposes of this part -

(1) The term "Board" means the National Preservation Technology and Training Board established pursuant to section 470x-3 of this title.

(2) The term "Center" means the National Center for Preservation Technology and Training established pursuant to section 470x-2 of this title.

(3) The term "Secretary" means the Secretary of the Interior.

SOURCE

(Pub. L. 89-665, title IV, Sec. 402, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4766.)

§470x-2. Establishment of National Center

(a) Establishment

There is hereby established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

(b) Purposes

The purposes of the Center shall be to -

(1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of prehistoric and historic resources;

(2) develop and facilitate training for Federal, State and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in

the preservation field;

(3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;

(4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and

(5) cooperate with related international organizations including, but not limited to the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

(c) Programs

Such purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 470x-4 of this title.

(d) Executive Director

The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

(e) Assistance from Secretary

The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

SOURCE

(Pub. L. 89-665, title IV, Sec. 403, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4766.)

§470x-3. Preservation Technology and Training Board

(a) Establishment

There is established a Preservation Technology and Training Board.

(b) Duties

The Board shall -

(1) provide leadership, policy advice, and professional oversight to the Center;

(2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and

(3) submit an annual report to the President and the Congress.

(c) Membership

The Board shall be comprised of -

(1) the Secretary, or the Secretary's designee;

(2) 6 members appointed by the Secretary who shall represent appropriate Federal, State,

and local agencies, State and local historic preservation commissions, and other public and international organizations; and

(3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

SOURCE

(Pub. L. 89-665, title IV, Sec. 404, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4766; amended Pub. L. 106-208, Sec. 5(a)(14), May 26, 2000, 114 Stat. 319.)

AMENDMENTS

2000 - Subsec. (c)(2). Pub. L. 106-208 substituted a semicolon for a comma after "organizations".

§470x-4. Preservation grants

(a) In general

The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

(b) Grant requirements

(1) Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.

(2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.

(3) The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

(c) Eligible applicants

Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, nonprofit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

(d) Standards

All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section such sums as may be

necessary.

SOURCE

(Pub. L. 89-665, title IV, Sec. 405, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4767.)

§470x-5. General provisions

(a) Acceptance of grants and transfers

The Center may accept -

(1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and

(2) transfers of funds from other Federal agencies.

(b) Contracts and cooperative agreements

Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this part.

(c) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the establishment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

SOURCE

(Pub. L. 89-665, title IV, Sec. 406, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4767.)

§470x-6. National Park Service preservation

In order to improve the use of existing National Park Service resources, the Secretary shall fully utilize and further develop the National Park Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the National Park Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

SOURCE

(Pub. L. 89-665, title IV, Sec. 407, as added Pub. L. 102-575, title XL, Sec. 4022, Oct. 30, 1992, 106 Stat. 4768.)