

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, given¹ notice to and consult with such Indian tribe or Native Hawaiian organization.

(Pub. L. 89-665, title I, §112, as added Pub. L. 102-575, title XL, §4014, Oct. 30, 1992, 106 Stat. 4761; amended Pub. L. 106-208, §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”.

§ 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

¹ So in original. Probably should be “give”.

subsection (a) of this section, such sums to remain available until expended.

(Pub. L. 89-665, title I, §113, as added Pub. L. 102-575, title XL, §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.

(Pub. L. 89-665, title II, §201, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, §1(b)-(e), May 9, 1970, 84 Stat. 204; Pub. L. 93-54, §1(c), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, §201(5), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96-515, title III, §301(a)-(f), Dec. 12, 1980, 94 Stat. 2998, 2999; Pub. L. 102-575, title XL, §§4016, 4019(b), Oct. 30, 1992, 106 Stat. 4763, 4765; Pub. L. 104-333, div. I, title V, §509(c)(1), (2), Nov. 12, 1996, 110 Stat. 4157; Pub. L. 109-453, §1(d), Dec. 22, 2006, 120 Stat. 3367.)

AMENDMENTS

2006—Subsec. (a)(4). Pub. L. 109-453, §1(d)(1), substituted “seven” for “four”.

Subsec. (b). Pub. L. 109-453, §1(d)(2), struck out “(5) and” before “(6)”.

Subsec. (f). Pub. L. 109-453, §1(d)(3), substituted “12” for “Nine”.

1996—Subsec. (a)(4). Pub. L. 104-333, §509(c)(1), substituted “designated by the President” for “appointed by the President”.

Subsec. (c). Pub. L. 104-333, §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, §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, §4016, added par. (11).

1980—Subsec. (a). Pub. L. 96-515, §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, §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, §301(c), substituted provision that the Chairman appointed by the President