

## 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, §§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, §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.

(Pub. L. 89-665, title I, §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.

(Pub. L. 89-665, title I, §108, Oct. 15, 1966, 80 Stat. 917; Pub. L. 91-243, §1(a), May 9, 1970, 84 Stat. 204; Pub. L. 93-54, §1(a), July 1, 1973, 87 Stat. 139; Pub. L. 94-422, title II, §201(4), Sept. 28, 1976, 90 Stat. 1320; Pub. L. 96-515, title II, §205, Dec. 12, 1980, 94 Stat. 2995; Pub. L. 100-127, Oct. 9, 1987, 101 Stat. 800; Pub. L. 102-575, title XL, §4011, Oct. 30, 1992, 106 Stat. 4760; Pub. L. 106-208, §§2, 5(a)(7), May 26, 2000, 114 Stat. 318, 319; Pub. L. 109-453, §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 (§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, §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

Pub. L. 96-515, title V, §504, Dec. 12, 1980, 94 Stat. 3005, 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.

(Pub. L. 89-665, title I, §109, as added Pub. L. 96-244, §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 ac-

cordance 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)<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be 470a(h).