

**§ 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.

(Pub. L. 89-665, title II, §207, as added Pub. L. 94-422, title II, §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.

(Pub. L. 89-665, title II, §208, as added Pub. L. 94-422, title II, §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.

(Pub. L. 89-665, title II, §209, as added Pub. L. 94-422, title II, §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, §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.

(Pub. L. 89-665, title II, §210, as added Pub. L. 94-422, title II, §201(9), Sept. 28, 1976, 90 Stat. 1322; amended Pub. L. 96-515, title III, §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.

(Pub. L. 89-665, title II, §211, as added Pub. L. 94-422, title II, §201(9), Sept. 28, 1976, 90 Stat. 1322; amended Pub. L. 96-515, title III, §301(l), Dec. 12, 1980, 94 Stat. 2999; Pub. L. 102-575, title XL, §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.

(Pub. L. 89-665, title II, §212, as added Pub. L. 94-422, title II, §201(9), Sept. 28, 1976, 90 Stat. 1323; amended Pub. L. 95-625, title VI, §614, Nov. 10, 1978, 92 Stat. 3521; Pub. L. 96-205, title VI, §608(a)(3), Mar. 12, 1980, 94 Stat. 92; Pub. L.

96-244, §2, May 19, 1980, 94 Stat. 346; Pub. L. 96-515, title III, §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, §4017, Oct. 30, 1992, 106 Stat. 4763; Pub. L. 103-437, §6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title V, §509(a), Nov. 12, 1996, 110 Stat. 4157; Pub. L. 106-208, §3, May 26, 2000, 114 Stat. 318; Pub. L. 109-453, §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.

(Pub. L. 89-665, title II, §213, as added Pub. L. 96-515, title III, §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.

(Pub. L. 89-665, title II, §214, as added Pub. L. 96-515, title III, §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.

(Pub. L. 89-665, title II, §215, as added Pub. L. 104-333, div. I, title V, §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.

(Pub. L. 89-665, title II, §216, as added Pub. L. 109-453, §1(g), Dec. 22, 2006, 120 Stat. 3368.)

#### PART C—GENERAL AND MISCELLANEOUS

#### § 470w. Definitions

As used in this subchapter, the term—