

SUBCHAPTER III—PROTECTION AND
PRESERVATION OF RESOURCES

§ 306131. Standards and guidelines

(a) STANDARDS.—

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

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

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

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

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

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

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

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

(2) encourage owners to preserve historic property intact and in place and offer the owners of historic property information on the tax and grant assistance available for the donation of the historic property or of a preservation easement of the historic property;

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

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

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

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

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

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

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3229.)

HISTORICAL AND REVISION NOTES

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

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

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

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

SUBDIVISION 6—MISCELLANEOUS

CHAPTER 3071—MISCELLANEOUS

Sec. 307101.	World Heritage Convention.
307102.	Effective date of regulations.
307103.	Access to information.
307104.	Inapplicability of division to White House, Supreme Court building, or United States Capitol.
307105.	Attorney’s fees and costs to prevailing parties in civil actions.
307106.	Authorization for expenditure of appropriated funds.
307107.	Donations and bequests of money, personal property, and less than fee interests in historic property.
307108.	Privately donated funds.

§ 307101. World Heritage Convention

(a) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary of the Interior may act directly or through an appropriate officer in the Department of the Interior.

(b) PARTICIPATION BY UNITED STATES.—The Secretary shall direct and coordinate participation by the United States in the World Heritage Convention in cooperation with the Secretary of State, the Smithsonian Institution, and the Council. 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.

(c) **NOMINATION OF PROPERTY TO WORLD HERITAGE COMMITTEE.**—The Secretary shall periodically nominate property that the Secretary determines is of international significance to the World Heritage Committee on behalf of the United States. No property may be nominated unless it has previously been determined to be of national significance. Each 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 nomination, the Secretary shall notify the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) **NOMINATION OF NON-FEDERAL PROPERTY TO WORLD HERITAGE COMMITTEE REQUIRES WRITTEN CONCURRENCE OF OWNER.**—No non-Federal property may be nominated by the Secretary to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in the nomination in writing.

(e) **CONSIDERATION OF UNDERTAKING ON PROPERTY.**—Prior to the approval of any undertaking outside the United States that may directly and adversely affect a property that 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 the undertaking shall take into account the effect of the undertaking on the property for purposes of avoiding or mitigating any adverse effect.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3230.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
307101(a)	no source.	
307101(b) through (d).	16 U.S.C. 470a-1.	Pub. 96-515, title IV, § 401, Dec. 12, 1980, 94 Stat. 3000; Pub. L. 103-437, § 6(d)(28), Nov. 2, 1994, 108 Stat. 4584.
307101(e)	16 U.S.C. 470a-2.	Pub. L. 96-515, title IV, § 402, Dec. 12, 1980, 94 Stat. 3000.

Subsection (a) is added for clarity because of the definition of “Secretary” in section 300316 of the new title.

§ 307102. Effective date of regulations

(a) **PUBLICATION IN FEDERAL REGISTER.**—No final regulation of the Secretary shall become effective prior to the expiration of 30 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 90 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 in the resolution being appropriately filled.

(c) **FAILURE OF CONGRESS TO ADOPT RESOLUTION OF DISAPPROVAL OF REGULATION.**—If at the

end of 60 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 the 60 calendar days, a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

(d) **SESSIONS OF CONGRESS.**—For 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 3 days to a day certain are excluded in the computation of 60 and 90 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 the regulation.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3231.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
307102	16 U.S.C. 470w-6.	Pub. L. 89-665, title III, § 307, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3004; Pub. L. 103-437, § 6(d)(29), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, § 814(d)(1)(O), (2)(E), Nov. 12, 1996, 110 Stat. 4196; Pub. L. 106-176, title I, § 120(a)(2), Mar. 10, 2000, 114 Stat. 28; Pub. L. 106-208, § 5(a)(11)–(13), May 26, 2000, 114 Stat. 319.

§ 307103. 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 division, after consultation with the Secretary, shall withhold from disclosure to the public information about the location, character, or ownership of a historic property if the Secretary and the agency determine that disclosure may—

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic property; 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 determines that information should be withheld from the public pursuant to subsection (a), the Secretary, in consultation with the Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this division.

(c) **CONSULTATION WITH COUNCIL.**—When information described in subsection (a) has been de-

veloped in the course of an agency's compliance with section 306107 or 306108 of this title, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b).

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3231.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307103	16 U.S.C. 470w-3.	Pub. L. 89-665, title III, § 304, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002; Pub. L. 102-575, title XL, § 4020, Oct. 30, 1992, 106 Stat. 4765.

§ 307104. Inapplicability of division to White House, Supreme Court building, or United States Capitol

Nothing in this division applies 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. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307104	16 U.S.C. 470g.	Pub. L. 89-665, title I, § 107, Oct. 15, 1966, 80 Stat. 915.

§ 307105. Attorney's 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 this division, if the person substantially prevails in the action, the court may award attorney's fees, expert witness fees, and other costs of participating in the civil action, as the court considers reasonable.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307105	16 U.S.C. 470w-4.	Pub. L. 89-665, title III, § 305, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307106. Authorization for expenditure of appropriated funds

Where appropriate, each Federal agency may expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this division, except to the extent that appropriations legislation expressly provides otherwise.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307106	16 U.S.C. 470w-1.	Pub. L. 89-665, title III, § 302, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307107. Donations and bequests of money, personal property, and less than fee interests in historic property

(a) MONEY AND PERSONAL PROPERTY.—The Secretary may accept donations and bequests of money and personal property for the purposes of this division and shall hold, use, expend, and administer the money and personal property for those purposes.

(b) LESS THAN FEE INTEREST IN HISTORIC PROPERTY.—The Secretary may accept gifts or donations of less than fee interests in any historic property where the acceptance of an interest will facilitate the conservation or preservation of the historic property. Nothing in this section or in any provision of this division 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.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307107	16 U.S.C. 470w-2.	Pub. L. 89-665, title III, § 303, as added Pub. L. 96-515, title V, § 501, Dec. 12, 1980, 94 Stat. 3002.

§ 307108. Privately donated funds

(a) PROJECTS FOR WHICH FUNDS MAY BE USED.—In furtherance of the purposes of this division, the Secretary may accept the donation of funds that may be expended by the Secretary for projects to acquire, restore, preserve, or recover data from any property included on the National Register, as 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.—

(1) IN GENERAL.—In expending the funds, the Secretary shall give due consideration to—

- (A) the national significance of the project;
- (B) its historical value to the community;
- (C) the imminence of its destruction or loss; and
- (D) the expressed intentions of the donor.

(2) FUNDS AVAILABLE WITHOUT REGARD TO MATCHING REQUIREMENTS.—Funds expended under this subsection shall be made available without regard to the matching requirements established by sections 302901 and 302902(b) of this title, but the recipient of the funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund.

(c) TRANSFER OF UNOBLIGATED FUNDS.—The Secretary may transfer unobligated funds previously donated to the Secretary for the purposes of the Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with this division.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3232.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
307108	16 U.S.C. 470h-1.	Pub. L. 89-665, title I, § 109, as added Pub. L. 96-244, § 1, May 19, 1980, 94 Stat. 346.

In subsection (a), the word “included” is substituted for “listed” for consistency in the revised subtitle.

DIVISION B—ORGANIZATIONS AND PROGRAMS

SUBDIVISION 1—ADMINISTERED BY NATIONAL PARK SERVICE

CHAPTER 3081—AMERICAN BATTLEFIELD PROTECTION PROGRAM

- Sec.
- 308101. Definition.
- 308102. Preservation assistance.
- 308103. Battlefield acquisition grant program.

§ 308101. Definition

In this chapter, the term “Secretary” means the Secretary, acting through the American Battlefield Protection Program.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3233.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
308101	16 U.S.C. 469k-1(c)(1)(D).	Pub. L. 111-11, title VII, subtitle D, § 7301(c)(1)(D), Mar. 30, 2009, 123 Stat. 1213.

PURPOSE

Pub. L. 111-11, title VII, § 7301(a), Mar. 30, 2009, 123 Stat. 1213, provided that: “The purpose of this section [enacting former section 469k-1 of Title 16, Conservation] 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.”

§ 308102. Preservation assistance

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary 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.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$3,000,000 for each fiscal year, to remain available until expended.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3233.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
308102	16 U.S.C. 469k-1(b).	Pub. L. 111-11, title VII, subtitle D, § 7301(b), Mar. 30, 2009, 123 Stat. 1213.

§ 308103. Battlefield acquisition grant program

(a) DEFINITION.—In this section, the term “eligible site” means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$10,000,000 for each of fiscal years 2012 and 2013.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3234; Pub. L. 113-76, div. G, title IV, § 429, Jan. 17, 2014, 128 Stat. 345; Pub. L. 113-235, div. F, title IV, § 421, Dec. 16, 2014, 128 Stat. 2449; Pub. L. 113-291, div. B, title XXX, § 3050, Dec. 19, 2014, 128 Stat. 3799.)

AMENDMENT NOT SHOWN IN TEXT

This section was derived from section 469k-1(c)(1)(A) to (C), (2) to (6) of Title 16, Conservation, which was amended by Pub. L. 113-76, div. G, title IV, § 429, Jan. 17, 2014, 128 Stat. 345; Pub. L. 113-235, div. F, title IV, § 421, Dec. 16, 2014, 128 Stat. 2449; and Pub. L. 113-291, div. B, title XXX, § 3050, Dec. 19, 2014, 128 Stat. 3799. For applicability of those amendments to this section, see section 6(b) of Pub. L. 113-287, set out as a Transitional and Savings Provisions note preceding section 100101 of this title.

Subsec. (c)(6) of former section 469k-1 of Title 16 [restated in subsec. (f) of this section] was amended by Pub. L. 113-76 by striking “2013” and inserting “2014” and by Pub. L. 113-235 by striking “2014” and inserting “2021”.

Subsec. (c) of former section 469k-1 of Title 16 was amended by Pub. L. 113-291 as follows:

(1) In paragraph (1)—

(A) by striking subparagraph (A) [restated in subsec. (a)(2) of this section] and inserting the following:

“(A) BATTLEFIELD REPORT.—The term ‘battlefield report’ means, collectively—