

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
311102	16 U.S.C. 469n(c).	Pub. L. 111–11, title VII, subtitle D, §7302(c), Mar. 30, 2009, 123 Stat. 1214.

§ 311103. Designation of Preserve America Communities

(a) 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.

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

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

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

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

(c) 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 302502 of this title.

(d) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3248.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
311103	16 U.S.C. 469n(d).	Pub. L. 111–11, title VII, subtitle D, §7302(d), Mar. 30, 2009, 123 Stat. 1215.

§ 311104. Regulations

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3248.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
311104	16 U.S.C. 469n(e).	Pub. L. 111–11, title VII, subtitle D, §7302(e), Mar. 30, 2009, 123 Stat. 1216.

§ 311105. Authorization of appropriations

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3249; Pub. L. 113–291, div. B, title XXX, §3033(e), Dec. 19, 2014, 128 Stat. 3777.)

AMENDMENT NOT SHOWN IN TEXT

This section was derived from section 469n(f) of Title 16, Conservation, which was amended by Pub. L. 113–291, div. B, title XXX, §3033(e), Dec. 19, 2014, 128 Stat. 3777. For applicability of that amendment 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. Former section 469n(f) of Title 16 was amended by Pub. L. 113–291 by inserting “, except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the First State National Historical Park Act shall be reduced by \$6,500,000” before period at end.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
311105	16 U.S.C. 469n(f).	Pub. L. 111–11, title VII, subtitle D, §7302(f), Mar. 30, 2009, 123 Stat. 1216.

REFERENCES IN TEXT

The date of enactment of the First State National Historical Park Act, referred to in Amendment Not Shown in Text note above, probably means the date of enactment of section 3033 of Pub. L. 113–291, which provided for the establishment of the First State National Historical Park and was approved Dec. 19, 2014. See section 410rrr of Title 16, Conservation. No act with the title First State National Historical Park Act has been enacted.

SUBDIVISION 3—ADMINISTERED BY OTHER THAN NATIONAL PARK SERVICE

CHAPTER 3121—NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES

Sec. 312101.	Definitions.
312102.	Establishment and purposes.
312103.	Principal office.
312104.	Board of trustees.
312105.	Powers.
312106.	Consultation with National Park System Advisory Board.

§ 312101. Definitions

In this chapter:

(1) BOARD.—The term “Board” means the board of trustees of the National Trust.

(2) NATIONAL TRUST.—The term “National Trust” means the National Trust for Historic Preservation in the United States established under section 312102 of this title.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3249.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
312101	no source.	

§ 312102. Establishment and purposes

(a) ESTABLISHMENT.—To further the policy enunciated in chapter 3201 of this title, and to

facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is established a charitable, educational, and nonprofit corporation to be known as the National Trust for Historic Preservation in the United States.

(b) PURPOSES.—The purposes of the National Trust shall be to—

(1) receive donations of sites, buildings, and objects significant in American history and culture;

(2) preserve and administer the sites, buildings, and objects for public benefit;

(3) accept, hold, and administer gifts of money, securities, or other property of any character for the purpose of carrying out the preservation program; and

(4) execute other functions vested in the National Trust by this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3249.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312102	16 U.S.C. 468.	Oct. 26, 1949, ch. 735, § 1, 63 Stat. 927.

§ 312103. Principal office

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 a resident of the District of Columbia. The National Trust may establish offices in other places as it may consider necessary or appropriate in the conduct of its business.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3249.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312103	16 U.S.C. 468a.	Oct. 26, 1949, ch. 735, § 2, 63 Stat. 927.

The words “inhabitant and” are omitted as unnecessary.

§ 312104. Board of trustees

(a) MEMBERSHIP.—The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows:

(1) The Attorney General, the Secretary, and the Director of the National Gallery of Art, ex officio.

(2) Not fewer than 6 general trustees who shall be citizens of the United States.

(b) DESIGNATION OF ANOTHER OFFICER.—The Attorney General and the Secretary, when it appears desirable in the interest of the conduct of the business of the Board and to such extent as they consider 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.

(c) GENERAL TRUSTEES.—

(1) NUMBER AND SELECTION.—The number of general trustees shall be fixed by the Board and shall be chosen by the members of the National Trust from its members at any regular meeting of the National Trust.

(2) TERM OF OFFICE.—The respective terms of office of the general trustees shall be as prescribed by the Board but in no case shall exceed a period of 5 years from the date of election.

(3) SUCCESSOR.—A successor to a general trustee shall be chosen in the same manner and shall have a term expiring 5 years from the date of the expiration of the term for which the predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of a term shall be chosen only for the remainder of that term.

(d) CHAIRMAN.—The chairman of the Board shall be elected by a majority vote of the members of the Board.

(e) COMPENSATION AND REIMBURSEMENT.—No compensation shall be paid to the members of the Board 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3249.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312104	16 U.S.C. 468b.	Oct. 26, 1949, ch. 735, § 3, 63 Stat. 928; July 28, 1953, ch. 255, 67 Stat. 228.

§ 312105. Powers

(a) IN GENERAL.—To the extent necessary to enable it to carry out the functions vested in it by this chapter, the National Trust has the general powers described in this section.

(b) SUCCESSION.—The National Trust has succession until dissolved by Act of Congress, in which event title to the property 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.

(c) SUE AND BE SUED.—The National Trust may sue and be sued in its corporate name.

(d) CORPORATE SEAL.—The National Trust may adopt, alter, and use a corporate seal that shall be judicially noticed.

(e) CONSTITUTION, BYLAWS, AND REGULATIONS.—The National Trust may adopt a constitution and prescribe such bylaws and regulations, not inconsistent with the laws of the United States or of any State, as it considers necessary for the administration of its functions under this chapter, including among other matters, bylaws and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the Board.

(f) PERSONAL PROPERTY.—The National Trust may accept, hold, and administer gifts and bequests of money, securities, or other personal property of any character, absolutely or in trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of a gift or bequest, the National

Trust may sell, exchange, or otherwise dispose of, and invest or reinvest in investments as it may determine from time to time, the moneys, securities, or other property given or bequeathed to it. The principal of corporate funds and the income from those funds and all other revenues received by the National Trust from any source 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.

(g) REAL PROPERTY.—The National Trust may acquire by gift, devise, purchase, or otherwise, absolutely or in trust, and hold and, unless otherwise restricted by the terms of the gift or devise, encumber, convey, or otherwise dispose of, any real property, or any estate or interest in real property (except property within the exterior boundaries of a System unit), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(h) CONTRACTS AND COOPERATIVE AGREEMENTS RESPECTING PROTECTION, PRESERVATION, MAINTENANCE, OR OPERATION.—The National Trust may contract and make cooperative agreements with Federal, State, or local agencies, corporations, associations, or individuals, under terms and conditions that the National Trust considers advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection with the site, building, object, or property for public use, regardless of whether the National Trust has acquired title to the property, or any interest in the property.

(i) ENTER INTO CONTRACTS AND EXECUTE INSTRUMENTS.—The National Trust may enter into contracts generally and execute all instruments necessary or appropriate to carry out its corporate purposes, including concession contracts, leases, or permits for the use of land, buildings, or other property considered desirable either to accommodate the public or to facilitate administration.

(j) OFFICERS, AGENTS, AND EMPLOYEES.—The National Trust may appoint and prescribe the duties of officers, agents, and employees as may be necessary to carry out its functions, and fix and pay compensation to them for their services as the National Trust may determine.

(k) LAWFUL ACTS.—The National Trust may generally do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3250.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312105, 16 U.S.C. 468c, Oct. 26, 1949, ch. 735, §4, 63 Stat. 928.

In subsection (h), the words “local agencies” are substituted for “municipal departments or agencies” for consistency in the revised title and with other titles of the United States Code.

§ 312106. Consultation with National Park System Advisory Board

In carrying out its functions under this chapter, the National Trust may consult with the

National Park System Advisory Board on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant to this chapter.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3251.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312106, 16 U.S.C. 468d, Oct. 26, 1949, ch. 735, §5, 63 Stat. 929.

The words “National Park System Advisory Board” are substituted for “Advisory Board on National Parks, Historic Sites, Buildings, and Museums” because the Board was renamed when section 3 of the Act of August 21, 1935 (known as the Historic Sites, Buildings, and Antiquities Act (ch. 593, 49 Stat. 667)) was amended by section 9 of Public Law 91–383, as added by section 2 of Public Law 94–458 (90 Stat. 1940).

CHAPTER 3123—COMMISSION FOR THE PRESERVATION OF AMERICA’S HERITAGE ABROAD

- Sec. 312301. Definition.
312302. Declaration of national interest.
312303. Establishment.
312304. Duties and powers; administrative support.
312305. Reports.

§ 312301. Definition

In this chapter, the term “Commission” means the Commission for the Preservation of America’s Heritage Abroad established under section 312303 of this title.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3252.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312301, no source.

§ 312302. Declaration of national interest

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

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3252.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312302, 16 U.S.C. 469j(a), Pub. L. 99–83, title XIII, §1303(a), Aug. 8, 1985, 99 Stat. 280.

§ 312303. Establishment

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission for the Preservation of America’s Heritage Abroad.

(b) MEMBERSHIP.—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 con-

sultation with the President pro tempore of the Senate.

(c) TERM.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall be appointed for a term of 3 years.

(2) VACANCY.—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.

(3) MEMBER UNTIL SUCCESSOR APPOINTED.—A member may retain membership on the Commission until the member's successor has been appointed.

(d) CHAIRMAN.—The President shall designate the Chairman of the Commission from among its members.

(e) MEETINGS.—The Commission shall meet at least once every 6 months.

(f) COMPENSATION AND EXPENSES.—

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

(2) EXPENSES.—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 individuals employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3252.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312303(a)	16 U.S.C. 469j(b).	Pub. L. 99–83, title XIII, §1303(b), (d) through (f), Aug. 8, 1985, 99 Stat. 280.
312303(b) through (f).	16 U.S.C. 469j(d) through (f).	

In subsection (c), the text of 16 U.S.C. 469j(d)(2)(B) is omitted as obsolete.

§ 312304. Duties and powers; administrative support

(a) DUTIES.—The Commission shall—

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

(2) encourage the preservation and protection of those cemeteries, monuments, and historic buildings by obtaining, in cooperation with the Secretary 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, those cemeteries, monuments, and historic buildings.

(b) POWERS.—

(1) HOLD HEARINGS, REQUEST ATTENDANCE, TAKE TESTIMONY, AND RECEIVE EVIDENCE.—The

Commission or any member it authorizes may, for the purposes of carrying out this chapter, 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) APPOINT PERSONNEL AND FIX PAY.—The Commission may appoint such personnel (subject to the provisions of title 5 governing 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 title 5), as the Commission considers desirable.

(3) PROCURE TEMPORARY AND INTERMITTENT SERVICES.—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 under section 5376 of title 5.

(4) DETAIL PERSONNEL TO COMMISSION¹.—On 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 that department or agency to the Commission to assist it in carrying out its duties under this chapter.

(5) SECURE INFORMATION.—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 chapter. On the request of the Chairman of the Commission, the head of the department or agency shall furnish the information to the Commission.

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

(7) USE OF MAILS.—The Commission may use the United States mails in the same manner and on the same conditions as other departments and agencies of the United States.

(c) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support services as the Commission may request.

(Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3252.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312304(a)	16 U.S.C. 469j(c).	Pub. L. 99–83, title XIII, §1303(c), (g), Aug. 8, 1985, 99 Stat. 280, 281.
312304(b)	16 U.S.C. 469j(g).	

In subsection (a)(2), the word “Secretary” is substituted for “Department” because of 22 U.S.C. 2651 and 2651a(a).

In subsection (b)(3), the words “under section 5376 of title 5” are substituted for “for grade GS–18 of the General Schedule (5 U.S.C. 5332(a))” because of section 529 [title I, §101(c)(1)] of the Treasury, Postal Service and General Government Appropriations Act, 1991 (Public Law 101–509, 5 U.S.C. 5376 note).

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

§ 312305. Reports

As soon as practicable after the end of each fiscal year, the Commission shall transmit to the President a report that includes—

- (1) a detailed statement of the activities and accomplishments of the Commission during the fiscal year; and
(2) any recommendations of the Commission for legislation and administrative actions.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3253.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312305, 16 U.S.C. 469j(h), Pub. L. 99-83, title XIII, §1303(h), Aug. 8, 1985, 99 Stat. 282.

The words "and to each House of Congress" are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See the 4th item on page 174 of House Document No. 103-7.

CHAPTER 3125—PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

Sec.

- 312501. Definition.
312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects.
312503. Survey and recovery by Secretary.
312504. Progress reports by Secretary on surveys and work undertaken as result of surveys.
312505. Notice of dam construction.
312506. Administration.
312507. Assistance to Secretary by Federal agencies responsible for construction projects.
312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property.

§ 312501. Definition

In this chapter, the term "State" includes a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3254.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312501, 16 U.S.C. 469c-1, Pub. L. 86-523, §8, as added Pub. L. 96-205, title VI, § 608(b)(2), Mar. 12, 1980, 94 Stat. 92.

The words "the Trust Territory of the Pacific Islands" are omitted as obsolete. See note at 48 U.S.C. prec. 1681. For continued application of certain laws of the United States in certain cases, see the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note), the Compact of Free Association between the Government of the United States of America and the Governments of the Marshall Islands and the Federated States of Micronesia (48 U.S.C. 1901 note), and the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note).

§ 312502. Threat of irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data by Federal construction projects

(a) ACTIVITY OF FEDERAL AGENCY.—

(1) NOTIFICATION OF SECRETARY.—When 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, the agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity.

(2) RECOVERY, PROTECTION, AND PRESERVATION OF DATA.—The agency—

- (A) may request the Secretary to undertake the recovery, protection, and preservation of the data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from the investigation); or
(B) may, with funds appropriated for the project, program, or activity, undertake those activities.

(3) AVAILABILITY OF REPORTS.—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) ACTIVITY OF PRIVATE PERSON, ASSOCIATION, OR PUBLIC ENTITY.—

(1) RECOVERY BY SECRETARY.—When any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if the Secretary determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may, with funds appropriated expressly for this purpose—

- (A) conduct, with the consent of all persons, associations, or public entities having a legal interest in the property, a survey of the affected site; and
(B) undertake the recovery, protection, and preservation of the data (including analysis and publication).

(2) COMPENSATION.—The Secretary shall, unless otherwise 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 land.

(Pub. L. 113-287, § 3, Dec. 19, 2014, 128 Stat. 3254.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 312502, 16 U.S.C. 469a-1, Pub. L. 86-523, §3, as added Pub. L. 93-291, §1(3), May 24, 1974, 88 Stat. 174.

§ 312503. Survey and recovery by Secretary

(a) IN GENERAL.—The Secretary, on notification, in writing, by any Federal or State agency

or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data are being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if the Secretary determines that the data are significant and are being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing the project, activity, or program—

(1) conduct or cause to be conducted a survey and other investigation of the areas that are or may be affected; and

(2) recover and preserve the data (including analysis and publication) that, in the opinion of the Secretary, are not being, but should be, recovered and preserved in the public interest.

(b) WHEN SURVEY OR RECOVERY NOT REQUIRED.—No survey or recovery work shall be required pursuant to this section that, 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—

(1) 60 days after notification pursuant to subsection (a); or

(2) such time as may be agreed on 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 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3255.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312503	16 U.S.C. 469a-2.	Pub. L. 86-523, § 4, as added Pub. L. 93-291, § 1(3), May 24, 1974, 88 Stat. 174.

§ 312504. Progress reports by Secretary on surveys and work undertaken as result of surveys

(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 this chapter or of any work undertaken as a result of a survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of the agency. The survey and recovery programs shall terminate at a time agreed on by the Secretary and the head of the agency unless extended by agreement.

(b) DISPOSITION OF RELICS AND SPECIMENS.—The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, 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.—The Secretary shall coordinate all Federal survey and recovery activities authorized under this chapter.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3255.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312504	16 U.S.C. 469a-3.	Pub. L. 86-523, § 5, formerly § 2(c), (e), June 27, 1960, 74 Stat. 220, renumbered as § 5 and amended Pub. L. 93-291, § 1(4), (6), (7), May 24, 1974, 88 Stat. 175; Pub. L. 96-205, title VI, § 608(b)(1), Mar. 12, 1980, 94 Stat. 92; Pub. L. 103-437, § 6(d)(27), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, § 814(d)(2)(B), Nov. 12, 1996, 110 Stat. 4196.

§ 312505. Notice of dam construction

(a) IN GENERAL.—Before any Federal agency undertakes the construction of a dam, or issues a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if construction is undertaken.

(b) DAMS WITH CERTAIN DETENTION CAPACITY OR RESERVOIR.—With respect to any flood water retarding dam that provides fewer than 5,000 acre-feet of detention capacity, and with respect to any other type of dam that creates a reservoir of fewer than 40 surface acres, 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3256.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
312505	16 U.S.C. 469a.	Pub. L. 86-523, § 2, formerly § 2(a), June 27, 1960, 74 Stat. 220, renumbered as § 2 and amended Pub. L. 93-291, § 1(2), (5), May 24, 1974, 88 Stat. 174, 175.

In subsection (a), the words “Federal agency” are substituted for “agency of the United States” for consistency in the revised title and with other titles of the United States Code.

§ 312506. Administration

In the administration of this chapter, the Secretary may—

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

(2) obtain the services of experts and consultants or organizations of experts and con-

sultants 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 the Secretary by any Federal agency.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
312506	16 U.S.C. 469b.	Pub. L. 86–523, § 6, formerly § 3, June 27, 1960, 74 Stat. 221, renumbered as § 6 and amended Pub. L. 93–291, § 1(8), May 24, 1974, 88 Stat. 175.

§ 312507. Assistance to Secretary by Federal agencies responsible for construction projects

(a) ASSISTANCE OF FEDERAL AGENCIES.—To carry out this chapter, any Federal agency responsible for a construction project may assist the Secretary or may transfer to the Secretary funds as may be agreed on, but not more than 1 percent of the total amount authorized to be appropriated for the project, except that the 1 percent limitation under this section shall not apply if the cost of the project is \$50,000 or less. The costs of the survey, recovery, analysis, and publication shall be deemed nonreimbursable project costs.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for purposes of this section shall remain available until expended.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
312507(a)	16 U.S.C. 469c(a) through (c).	Pub. L. 86–523, § 7, formerly § 4, June 27, 1960, 74 Stat. 221, renumbered as § 7 and amended Pub. L. 93–291, § 1(9), May 24, 1974, 88 Stat. 175; Pub. L. 95–625, title VI, § 603, Nov. 10, 1978, 92 Stat. 3518.
312507(b)	16 U.S.C. 469c(d).	

In subsection (a), the text of 16 U.S.C. 469c(b) and (c) is omitted as obsolete. The words “cost of the” are added for clarity.

In subsection (b), the words “Beginning fiscal year 1979” are omitted as obsolete.

§ 312508. Costs for identification, surveys, evaluation, and data recovery with respect to historic property

Notwithstanding section 312507(a) of this title or any other provision of law—

(1) identification, surveys, and evaluation carried out with respect to historic property 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 property within project areas may be charged to Federal licensees and permittees as a condition to the issuance of the license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, may waive, in appropriate cases, the 1 percent limitation under section 312507(a) of this title.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3256.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
312508	16 U.S.C. 469c–2.	Pub. L. 96–515, title II, § 208, Dec. 12, 1980, 94 Stat. 2997; Pub. L. 103–437, § 6(d)(28), Nov. 2, 1994, 108 Stat. 4584.

DIVISION C—AMERICAN ANTIQUITIES

CHAPTER 3201—POLICY AND ADMINISTRATIVE PROVISIONS

- Sec.
 320101. Declaration of national policy.
 320102. Powers and duties of Secretary.
 320103. Cooperation with governmental and private agencies and individuals.
 320104. Jurisdiction of States in acquired land.
 320105. Criminal penalties.
 320106. Limitation on obligation or expenditure of appropriated amounts.

§ 320101. 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.

(Pub. L. 113–287, § 3, Dec. 19, 2014, 128 Stat. 3257.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
320101	16 U.S.C. 461.	Aug. 21, 1935, ch. 593, § 1, 49 Stat. 666.

NATIONAL HISTORIC SITES

- Adams National Historic Site, Massachusetts [redesignated Adams National Historical Park by Pub. L. 105–342, § 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, § 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, § 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; Pub. L. 94–578, title II, § 201(1), Oct. 21, 1976, 90 Stat. 2733.
 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.