

**§ 5320. Historic preservation requirements****(a) Regulations**

With respect to applications for assistance under section 5318<sup>1</sup> of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318<sup>1</sup> of this title and their relationship with division A of subtitle III and chapter 3125 of title 54.

**(b) Actions by State historic preservation officer and Secretary of the Interior**

In prescribing and implementing such regulations with respect to applications submitted under section 5318 of this title which identify any property pursuant to subsection (c)(4)(B) of such section, the Secretary of the Interior shall provide at least that—

(1) the appropriate State historic preservation officer (as determined in accordance with regulations prescribed by the Secretary of the Interior) shall, not later than 45 days after receiving information from the applicant relating to the identification of properties which will be affected by the project for which the application is made and which may meet the criteria established by the Secretary of the Interior for inclusion on the National Register of Historic Places (together with documentation relating to such inclusion), submit his or her comments, together with such other information considered necessary by the officer, to the applicant concerning such properties; and

(2) the Secretary of the Interior shall, not later than 45 days after receiving from the applicant the information described in paragraph (1) and the comments submitted to the applicant in accordance with paragraph (1), make a determination as to whether any of the properties affected by the project for which the application is made is eligible for inclusion on the National Register of Historic Places.

**(c) Regulations by Advisory Council on Historic Preservation providing for expeditious action**

The Advisory Council on Historic Preservation shall prescribe regulations providing for expeditious action by the Council in making its comments under section 306108 of title 54 in the case of properties which are included on, or eligible for inclusion on, the National Register of Historic Places and which are affected by a project for which an application is made under section 5318 of this title.

(Pub. L. 93-383, title I, §121, as added Pub. L. 96-399, title I, §110(c), Oct. 8, 1980, 94 Stat. 1620; amended Pub. L. 97-35, title III, §308(b), Aug. 13, 1981, 95 Stat. 396; Pub. L. 113-287, §5(k)(4), Dec. 19, 2014, 128 Stat. 3270.)

## REFERENCES IN TEXT

Section 5318 of this title, referred to in subsec. (a), probably should be a reference to section 119 of the Housing and Community Development Act of 1974, Pub. L. 93-383, title I, §119, as added Pub. L. 95-128, title I, §110(b), Oct. 12, 1977, 91 Stat. 1125, which is classified to section 5318 of this title.

<sup>1</sup> See References in Text note below.

## AMENDMENTS

2014—Subsec. (a). Pub. L. 113-287, §5(k)(4)(A), amended subsec. (a) generally. Prior to amendment, text read as follows: “With respect to applications for assistance under section 5318 of this title, the Secretary of the Interior, after consulting with the Secretary, shall prescribe and implement regulations concerning projects funded under section 5318 of this title and their relationship with—

“(1) ‘An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes’, approved October 14, 1966, as amended; and

“(2) ‘An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam’, approved June 27, 1960, as amended.”

Subsec. (c). Pub. L. 113-287, §5(k)(4)(B), substituted “section 306108 of title 54” for “section 106 of the Act referred to in subsection (a)(1)”.

1981—Subsec. (b). Pub. L. 97-35 substituted “subsection (c)(4)(B)” for “subsection (c)(7)(B)”.

## EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective on effective date of regulations implementing such amendments, see section 308(c) of Pub. L. 97-35, set out as a note under section 5318 of this title.

**§ 5321. Suspension of requirements for disaster areas**

For funds designated under this chapter by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5170 et seq.], the Secretary may suspend all requirements for purposes of assistance under section 5306 of this title for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income.

(Pub. L. 93-383, title I, §122, as added Pub. L. 103-233, title II, §234, Apr. 11, 1994, 108 Stat. 369.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in text, is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended. Title IV of the Act is classified generally to subchapter IV (§5170 et seq.) of chapter 68 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

## EFFECTIVE DATE

Section applicable with respect to any amounts made available to carry out subchapter II (§12721 et seq.) of chapter 130 of this title after Apr. 11, 1994, and any amounts made available to carry out that subchapter before that date that remain uncommitted on that date, with Secretary to issue any regulations necessary to carry out this section not later than end of 45-day period beginning on that date, see section 209 of Pub. L. 103-233, set out as an Effective Date of 1994 Amendment note under section 5301 of this title.