

Please note: This text is from the fourth edition of *Federal Historic Preservation Laws*, published in 2006 by the National Center for Cultural Resources, National Park Service, Department of the Interior. This edition contains 24 Federal laws and portions of laws that pertain to the preservation of the Nation's cultural heritage.

The citations in this book are no longer current. We have retained this online edition for its historic value, and for the plain-language context that it provides about these laws.

For up-to-date citations and links to the current text of Federal historic preservation laws, please consult our webpage about **Federal Historic Preservation Laws, Regulations, and Orders:**
<https://www.nps.gov/subjects/historicpreservation/laws.htm>.

For information about **Title 54 of the United States Code**, please visit:
<https://www.nps.gov/subjects/historicpreservation/laws-intro.htm>.

National Trust for Historic Preservation

CREATION AND PURPOSE, AS AMENDED

This Act became law on October 26, 1949 (63 Stat. 927, 16 U.S.C. 468) and has been amended once. This description of the Act, as amended, tracks the language of the United States Code except that (following common usage) we refer to the “Act” (meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code.

16 U.S.C. 468,
National Trust for
Historic Preservation
in the United States,
creation, purpose

Section 1

In order to further the policy enunciated in sections 1 to 7 of the Historic Sites Act, as amended [16 U.S.C. 461-467], and to facilitate public participation in the preservation of sites, buildings, and objects of national significance or interest, there is created a charitable, educational, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States, hereafter referred to as the “National Trust.” The purposes of the National Trust shall be to receive donations of sites, buildings, and objects significant in American history and culture; to preserve and administer them for public benefit; to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program; and to execute such other functions as are vested in it by sections 1 to 5 of this Act.

16 U.S.C. 468a,
Principal office of
National Trust

Section 2

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 an inhabitant and resident thereof. The National Trust may establish offices in such other place or places as it may deem necessary or appropriate in the conduct of its business.

16 U.S.C. 468b,
Administration of
National Trust, com-
position of board of
trustees, terms of
office, compensation,
expenses

Section 3

The affairs of the National Trust shall be under the general direction of a board of trustees composed as follows: The Attorney General of the United States; the Secretary of the Interior; and the Director of the National Gallery of Art, ex officio; and not less than six general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. The Attorney General, and the Secretary of the Interior, when it appears desirable in the interest of the

National Trust for Historic Preservation

conduct of the business of the board and to such extent as they deem 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 of trustees. The number of general trustees shall be fixed by the Board of Trustees of the National Trust and shall be chosen by the members of the National Trust from its members at any regular meeting of said National Trust. The respective terms of office of the general trustees shall be as prescribed by said board of trustees but in no case shall exceed a period of five years from the date of election. A successor to a general trustee shall be chosen in the same manner and shall have a term expiring five years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of that term. The chairman of the board of trustees shall be elected by a majority vote of the members of the board. No compensation shall be paid to the members of the board of trustees 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.

16 U.S.C. 468c, Powers and duties of National Trust

Section 4

To the extent necessary to enable it to carry out the functions vested in it by sections 1 to 5 of this Act, the National Trust shall have the following general powers:

- (a) To have succession until dissolved by Act of Congress, in which event title to the properties 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 of America.
- (b) To sue and be sued in its corporate name.
- (c) To adopt, alter, and use a corporate seal which shall be judicially noticed.

National Trust for Historic Preservation

(d) To adopt a constitution and to make such bylaws, rules, and regulations, not inconsistent with the laws of the United States or of any State, as it deems necessary for the administration of its functions under sections 1 to 5 of this Act, including among other matter, bylaws, rules, and regulations governing visitation to historic properties, administration of corporate funds, and the organization and procedure of the board of trustees.

(e) To accept, hold, and administer gifts and bequests of money, securities, or other personal property of whatsoever character, absolutely or on trust, for the purposes for which the National Trust is created. Unless otherwise restricted by the terms of the gift or bequest, the National Trust is authorized to sell, exchange, or otherwise dispose of and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property given or bequeathed to it. The principal of such corporate funds, together with the income therefrom and all other revenues received by it from any source whatsoever, 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.

(f) To acquire by gift, devise, purchase, or otherwise, absolutely or on trust, and to hold and, unless otherwise restricted by the terms of the gift or devise, to encumber, convey, or otherwise dispose of, any real property, or any estate or interest therein (except property within the exterior boundaries of national parks and national monuments), as may be necessary and proper in carrying into effect the purposes of the National Trust.

(g) To contract and make cooperative agreements with Federal, State, or municipal departments or agencies, corporations, associations, or individuals, under such terms and conditions as it deems advisable, respecting the protection, preservation, maintenance, or operation of any historic site, building, object, or property used in connection therewith for public use, regardless of whether the National Trust has acquired title to such properties, or any interest therein.

National Trust for Historic Preservation

(h) To enter into contracts generally and to execute all instruments necessary or appropriate to carry out its corporate purposes, which instruments shall include such concession contracts, leases, or permits for the use of lands, buildings, or other property deemed desirable either to accommodate the public or to facilitate administration.

(i) To appoint and prescribe the duties of such officers, agents, and employees as may be necessary to carry out its functions, and to fix and pay such compensation to them for their services as the National Trust may determine.

(j) And generally to do any and all lawful acts necessary or appropriate to carry out the purposes for which the National Trust is created.

16 U.S.C. 468d,
Consultation with the
National Park System
Advisory Board

Section 5

In carrying out its functions under sections 1 to 5 of this Act, the National Trust is authorized to consult with the National Park System Advisory Board [Advisory Board on National Parks, Historic Sites, Buildings, and Monuments], on matters relating to the selection of sites, buildings, and objects to be preserved and protected pursuant hereto.

16 U.S.C. 468e,
Repealed

Section 6

(Section repealed)

16 U.S.C. 468 note,
Reservation of rights

Section 7

The right to repeal, alter, or amend this Act [sections 1 to 5 of this Act] at any time is hereby expressly reserved, but no contract or individual right made or acquired shall thereby be divested or impaired.