

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The citations in this book are no longer current.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>.

Antiquities Act

AS AMENDED

This Act became law on June 8, 1906 (34 Stat. 225, 16 U.S.C. 431-433) 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. 433,
Penalties for damage,
destruction, etc. of
antiquities

Section 1

Any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

16 U.S.C. 431,
Proclamation of
national monuments,
reservation of lands,
etc.

Section 2

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in [sic] behalf of the Government of the United States.

16 U.S.C. 431a,
Limitation on more
national monuments
in Wyoming

No further extension or establishment of national monuments in Wyoming may be undertaken except by express authorization of Congress.

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16 U.S.C. 432,
Permits for excavation,
etc.

Section 3

Permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and Army to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

16 U.S.C. 432,
Rules and regulations

Section 4

The Secretaries of the departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

National Park Service Organic Act

SECTION 1, NPS MISSION, AS AMENDED

This Act became law on August 25, 1916 (39 Stat. 535, 16 U.S.C. 1) and has been amended twice. 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 to the "subchapter" or the "title" of the Code.

16 U.S.C. 1,
Service created, director,
other employees

Section 1

There is created in the Department of the Interior a service to be called the National Park Service, which shall be under the charge of a director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service. There shall also be in said service such subordinate officers, clerks, and employees as may be appropriated for by Congress. The service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified, except such as are under the jurisdiction of the Secretary of the Army, as provided by law, by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

National Park Service Organic Act

SECTION 8, REPORTS ON THREATENED LANDMARKS AND NEW AREA STUDIES, AS AMENDED

This Section of the Act became law on October 7, 1976 (Public Law 91-458, 16 U.S.C. 1a-5) and has been amended six times. 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. The National Park Service Organic Act is the short title for a much longer law that established the National Park Service 16 U.S.C. 1 (August 25, 1916) and continues to address park related matters.

16 U.S.C. 1a-5,
Additional areas for
National Park System

Section 8

16 U.S.C. 1a-5(a),
General authority to
investigate, study,
and monitor areas of
national significance

(a) The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. Accompanying the annual listing of areas shall be a synopsis, for each report previously submitted, of the current and changed condition of the resource integrity of the area and other relevant factors, compiled as a result of continual periodic monitoring and embracing the period since the previous such submission or initial report submission one year earlier.

Report on threatened
landmarks

The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included in the Registry of Natural Landmarks and those areas of national significance listing on the National Register of Historic Places which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats.

(Rest of subsection omitted)

16 U.S.C. 1a-5(b),
Studies of areas for
potential addition

(b)(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

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(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

(B) themes, sites, and resources not already adequately represented in the National Park System; and

(C) public petition and Congressional resolutions.

(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than \$25,000.

(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply or to affect or alter the study of any trail for potential addition to the national trails system.

16 U.S.C. 1a-5(c),
Report on areas for
potential addition

(c)(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, after reasonable efforts to notify potentially affected land-owners and State and local governments.

(2) In conducting the study, the Secretary shall consider whether the area under study—

(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

(B) is a suitable and feasible addition to the system.

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(3) Each study—

(A) shall consider the following factors with regard to the area being studied—

(i) the rarity and integrity of the resources;

(ii) the threats to those resources;

(iii) similar resources are already protected in the National Park System or in other public or private ownership;

(iv) the public use potential;

(v) the interpretive and educational potential;

(vi) costs associated with acquisition, development and operation;

(vii) the socioeconomic impacts of any designation;

(viii) the level of local and general public support;

and

(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

(D) may include any other information which the Secretary deems to be relevant.

(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

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16 U.S.C. 1a-5(d),
New area study office

(d) The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

16 U.S.C. 1a-5(e),
List of areas

(e) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.

(16.U.S.C. 1a-5(f), Authorization of appropriations, omitted)

Historic Sites Act

AS AMENDED

This Act became law on August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467) and has been amended eight times. This description of the Act, as amended, tracks the language of the United States Code except that (in following common usage) we refer to the "Act" (meaning the Act, as amended) rather than to the "subchapter" or the "title" of the Code. This title is not an official short title, but is merely a convenience for the reader.

16 U.S.C. 461,
Declaration of national
policy

Section 1

It is hereby 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.

16 U.S.C. 462,
Administration by
the Secretary of the
Interior, powers and
duties enumerated

Section 2

The Secretary of the Interior (hereinafter in sections 1 to 7 of this Act referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 of this Act, shall have the following powers and perform the following duties and functions:

16 U.S.C. 462(a),
Basis for Historic
American Buildings
Survey/Historic
American Engineering
Record/Historic
American Landscapes
Survey

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeological sites, buildings, and objects.

16 U.S.C. 462(b),
Basis for National
Historic Landmarks
Program

(b) Make a survey of historic and archaeological sites, buildings, and objects for the purpose of determining which possess exceptional value as commemorating or illustrating the history of the United States.

16 U.S.C. 462(c),
Collection of true and
accurate information

(c) Make necessary investigations and researches in the United States relating to particular sites, buildings, or objects to obtain true and accurate historical and archaeological [sic] facts and information concerning the same.

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16 U.S.C. 462(d),
Federal acquisition
of personal or real
property

(d) For the purpose of sections 1 to 7 of this Act, acquire in the name of the United States by gift, purchase, or otherwise any property, personal or real, or any interest or estate therein, title to any real property to be satisfactory to the Secretary: *Provided*, That no such property which is owned by any religious or educational institution, or which is owned or administered for the benefit of the public shall be so acquired without the consent of the owner: *Provided further*, That no such property shall be acquired or contract or agreement for the acquisition thereof made which will obligate the general fund of the Treasury for the payment of such property, unless or until Congress has appropriated money which is available for that purpose.

16 U.S.C. 462(e),
Cooperative
agreements

(e) Contract and make cooperative agreements with States, municipal subdivisions, corporations, associations, or individuals, with proper bond where deemed advisable, to protect, preserve, maintain, or operate any historic or archaeological building, site, object, or property used in connection therewith for public use, regardless as to whether the title thereto is in the United States: *Provided*, That no contract or cooperative agreement shall be made or entered into which will obligate the general fund of the Treasury unless or until Congress has appropriated money for such purpose.

16 U.S.C. 462(f),
Protection of historic
properties, related
museums

(f) Restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance and where deemed desirable establish and maintain museums in connection therewith.

16 U.S.C. 462(g),
Commemorative
plaques

(g) Erect and maintain tablets to mark or commemorate historic or prehistoric places and events of national historical or archaeological [sic] significance.

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16 U.S.C. 462(h),
Operation and management of historic properties

(h) Operate and manage historic and archaeological sites, buildings, and properties acquired under the provisions of sections 1 to 7 of this Act together with lands and subordinate buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable either to accommodate the public or to facilitate administration: *Provided*, That the Secretary may grant such concessions, leases, or permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids.

16 U.S.C. 462(i),
Organization of special corporations to carry out purposes of the Act

(i) When the Secretary determines that it would be administratively burdensome to restore, reconstruct, operate, or maintain any particular historic or archaeological site, building, or property donated to the United States through the National Park Service, he may cause the same to be done by organizing a corporation for that purpose under the laws of the District of Columbia or any State.

16 U.S.C. 462(j),
Educational programs

(j) Develop an educational program and service for the purpose of making available to the public facts and information pertaining to American historic and archaeological sites, buildings, and properties of national significance. Reasonable charges may be made for the dissemination of any such facts or information.

16 U.S.C. 462(k),
Regulations and fines

(k) Perform any and all acts, and make such rules and regulations not inconsistent with sections 1 to 7 of this Act as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by said sections shall be punished by a fine of not more than \$500 and be adjudged to pay all cost of the proceedings.

16 U.S.C. 463,
National Park System Advisory Board

16 U.S.C. 463(a),
Establishment, composition, duties

Section 3

(a) There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed

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on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine sciences, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national [sic; probably meant “natural”] or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of Title 5 [5 U.S.C. 5701-5709, travel and subsistence expenses]. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.

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It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of sections 1 to 7 of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument. Such board shall also provide recommendations on the designation of national historic landmarks and national natural landmarks. Such board is strongly encouraged to consult with the major scholarly and professional organizations in the appropriate disciplines in making such recommendations.

16 U.S.C. 463(b),
Staff, applicability of
Federal law

(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of Section 8344 of Title 5 [5 U.S.C. 8344, civil service retirement, annuities and pay on reemployment], or comparable provisions of Federal law.

16 U.S.C. 463(c),
Authority of Board

(c)(1) Upon request of the Director, the Board is authorized to—

- (A) hold such hearings and sit and act at such times,
- (B) take such testimony,
- (C) have such printing and binding done,
- (D) enter into such contracts and other arrangements,
- (E) make such expenditures, and
- (F) take such other actions, as the Board may deem advisable.

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Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

(2) The Board may establish committee or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

16 U.S.C. 463(d),
Federal Advisory
Committee Act

(d) The provisions of the Federal Advisory Committee Act [Public Law 92-463, as amended, 5 U.S.C. Appendix] shall apply to the Board established under this section with the exception of section 14(b).

16 U.S.C. 463(e),
Cooperation of Federal
agencies, use of funds

(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality [sic; word missing, probably “available”] to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.

16 U.S.C. 463(f),
Sunset

(f) The National Park System Advisory Board shall continue to exist until January 1, 2006. The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) [Public Law 92-463, as amended, 5 U.S.C. Appendix] are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

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16 U.S.C. 463(g),
National Park Service
Advisory Council

(g) There is hereby established the National Park Service Advisory Council (hereafter in this section referred to as the “advisory council”) which shall provide advice and counsel to the National Park System Advisory Board. Membership on the advisory council shall be limited to those individuals whose term on the advisory board has expired. Such individuals may serve as long as they remain active except that not more than 12 members may serve on the advisory council at any one time. Members of the advisory council shall not have a vote on the National Park System Advisory Board. Members of the advisory council shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. Initially, the Secretary shall choose 12 former members of the Advisory Board to constitute the advisory council. In so doing, the Secretary shall consider their professional expertise and demonstrated commitment to the National Park System and to the Advisory Board.

16 U.S.C. 464,
Cooperation with govern-
mental and private
agencies

Section 4

(a) The Secretary, in administering sections 1 to 7 of this Act, is authorized to cooperate with and may seek and accept the assistance of any Federal, State, or municipal department or agency, or any educational or scientific institution, or any patriotic association, or any individual.

16 U.S.C. 464(a),
Authorization

16 U.S.C. 464(b),
Technical advisory
committees

(b) When deemed necessary, technical advisory committees may be established to act in an advisory capacity in connection with the restoration or reconstruction of any historic or prehistoric building or structure.

16 U.S.C. 464(c),
Technical assistance

(c) Such professional and technical assistance may be employed, and such service may be established as may be required to accomplish the purposes of sections 1 to 7 of this Act and for which money may be appropriated by Congress or made available by gifts for such purpose.

16 U.S.C. 465,
Jurisdiction of States
and political subdivi-
sions in acquired lands

Section 5

Nothing in sections 1 to 7 of this Act shall be held to deprive any State, or political subdivision thereof, of its civil and criminal jurisdiction in and over lands acquired by the United States under said sections.

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16 U.S.C. 466,
Requirement for
specific authorization

16 U.S.C. 466(a),
In general

16 U.S.C. 466(b),
Savings provision

16 U.S.C. 466(c),
Authorization of
appropriations

16 U.S.C. 467,
Conflict of laws

Section 6

(a) Except as provided in subsection (b) of this section, notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Secretary of the Interior to carry out section 2(e) or 2(f) of this Act may be obligated or expended after October 30, 1992—

(1) unless the appropriation of such funds has been specifically authorized by law enacted on or after October 30, 1992; or

(2) in excess of the amount prescribed by law enacted on or after such date.

(b) Nothing in this section shall prohibit or limit the expenditure or obligation of any funds appropriated prior to January 1, 1993.

(c) Except as provided by subsection (a) of this section, there is authorized to be appropriated for carrying out the purposes of sections 1 to 7 of this Act such sums as the Congress may from time to time determine.

Section 7

The provisions of sections 1 to 7 of this Act shall control if any of them are in conflict with any other Act or Acts relating to the same subject matter.

Federal Property and Administrative Services Act

PORTIONS, AS AMENDED

The Act became law on June 30, 1949 (63 Stat. 385, 40 U.S.C. 484(k)(3) and (4)) and has been amended seven times. Public Law 107-217 (August 21, 2002) repealed, re-enacted “without substantive change,” and re-codified these portions of the Act from 40 U.S.C. 484 to 40 U.S.C. 550. 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.

40 U.S.C. 550,
Disposal of surplus
real property

40 U.S.C. 550(a),
“State” defined

40 U.S.C. 550(b),
Enforcement
and revision of
legal documents
transferring property
under this section

40 U.S.C. 550(b)(1),
Role of Federal agency
“specified official”

40 U.S.C. 550(b)(2),
“Specified official”
defined

Section 550

(a) **Definition.** In this section, the term “**State**” includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b)(1) **In general.** Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this Act, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation, or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) **Specified official.** The official referred to in paragraph (1) is

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

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(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(Subsections 550(c) and (d) omitted)

40 U.S.C. 550(e),
Property for use as a
public park or recre-
ation area

(e)(1) Assignment. The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) Sale or lease. Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) Fixing value. In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) Deed of conveyance. The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to

(B) the Government; and

(C) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

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40 U.S.C. 550(f),
Property for low
income housing
assistance

(f)(1) Assignment. The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) Sale or lease. Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) Self-help housing.

(A) In general. The Administrator shall disapprove a proposed transfer of property under this subsection unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(B) Guidelines for considering disabilities. For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

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(4) Fixing value.

(A) In general. In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) Amount of discount. The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(Subsection 550(g) omitted)

40 U.S.C. 550(h),
Property for use as a
historic monument

(h)(1) Conveyance.

(A) In general. Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) Recommendation by National Park System Advisory Board. Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) Revenue-producing activity.

(A) In general. The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior

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(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) Use of excess income. The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) Audits. The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) Deed of conveyance. The deed of conveyance of any surplus real property disposed of under this subsection

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

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

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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.

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(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.

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(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.

Archeological and Historic Preservation Act

AS AMENDED

This Act became law on June 27, 1960 (Public Law 86-523, 16 U.S.C. 469-469c-2) and has been amended six times. The 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. The Act was originally known as the "Reservoir Salvage Act" when the initial legislation was enacted in 1960. With broadening amendments, the Act became known as the "Moss-Bennett Act" (after an early amendment) or the "Archeological Recovery Act."

16 U.S.C. 469,
Purpose

Section 1

It is the purpose of this Act [16 U.S.C. 469-469c-1] to further the policy set forth in the Act entitled, "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 [Historic Sites Act, as amended, 16 U.S.C. 461-467] by specifically providing for the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

16 U.S.C. 469(a),
Notice of dam construction to be given Secretary of the Interior

Section 2

Before any agency of the United States shall undertake the construction of a dam, or issue a license to any private individual or corporation for the construction of a dam, it shall give written notice to the Secretary of the Interior (hereafter referred to as the Secretary) setting forth the site of the proposed dam and the approximate area to be flooded and otherwise changed if such construction is undertaken: *Provided*, That with respect to any floodwater retarding dam which provides less than five thousand acre-feet of detention capacity and with respect to any other type of dam which creates a reservoir of less than forty surface acres the provisions of this section shall apply only when the constructing agency, in its preliminary surveys, finds,

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16 U.S.C. 469a-1,
Threat of loss or
destruction of signifi-
cant data by Federal
construction projects

16 U.S.C. 469a-1(a),
Notification and
request for preserva-
tion of data

16 U.S.C. 469a-1(b),
Survey of sites,
preservation of data,
compensation

or is presented with evidence that historical or archeological materials exist or may be present in the proposed reservoir area.

Section 3

(a) Whenever 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, such agency shall notify the Secretary, in writing, and shall provide the Secretary with appropriate information concerning the project, program, or activity. Such agency may request the Secretary to undertake the recovery, protection, and preservation of such data (including preliminary survey, or other investigation as needed, and analysis and publication of the reports resulting from such investigation), or it may, with funds appropriated for such project, program, or activity, undertake such activities. 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) Whenever any Federal agency provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity, the Secretary, if he determines that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed, may with funds appropriated expressly for this purpose conduct, with the consent of all persons, associations, or public entities having a legal interest in the property involved, a survey of the affected site and undertake the recovery, protection, and preservation of such data (including analysis and publication). The Secretary shall, unless otherwise mutually 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 lands.

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16 U.S.C. 469a-2,
Survey, data recovery,
and compensation

16 U.S.C. 469 a-2(a),
Survey conducted,
preservation of data

16 U.S.C. 469a-2(b),
Emergency projects

16 U.S.C. 469a-2(c),
Initiation of survey

16 U.S.C. 469a-2(d),
Compensation by
Secretary as a result
of delay

Section 4

(a) The Secretary, upon notification, in writing, by any Federal or State agency or appropriate historical or archeological authority that scientific, prehistorical, historical, or archeological data is being or may be irrevocably lost or destroyed by any Federal or federally assisted or licensed project, activity, or program, shall, if he determines that such data is significant and is being or may be irrevocably lost or destroyed and after reasonable notice to the agency responsible for funding or licensing such project, activity, or program, conduct or cause to be conducted a survey and other investigation of the areas which are or may be affected and recover and preserve such data (including analysis and publication) which, in his opinion, are not being, but should be, recovered and preserved in the public interest.

(b) No survey or recovery work shall be required pursuant to this section which, 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) The Secretary shall initiate the survey or recovery effort within sixty days after notification to him pursuant to subsection (a) of this section or within such time as may be agreed upon with the head of the agency responsible for funding or licensing the project, activity, or program in all other cases.

(d) The Secretary shall, unless otherwise mutually 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.

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16 U.S.C. 469a-3,
Progress reports, dis-
position of relics, and
coordination

16 U.S.C. 469a-3(a),
Progress reports

16 U.S.C. 469a-3(b),
Repositories for relics
and specimens

16 U.S.C. 469a-3(c),
Coordination of
activities

16 U.S.C. 469b,
Administration issues

Section 5

(a) 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 sections 1 to 7 of this Act [16 U.S.C. 469-469c] or of any work undertaken as a result of such survey, in order that there will be as little disruption or delay as possible in the carrying out of the functions of such agency and the survey and recovery programs shall terminate at a time mutually agreed upon by the Secretary and the head of such agency unless extended by mutual agreement.

(b) The Secretary shall consult with any interested Federal and State agencies, educational and scientific organizations, and 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) The Secretary shall coordinate all Federal survey and recovery activities authorized under sections 1 to 7 of this Act [16 U.S.C. 469-469c-1].

Section 6

In the administration of sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], the Secretary may—

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

(2) obtain the services of experts and consultants or organizations thereof in accordance with section 3109 of title 5 [of the United States Code]; and

(3) accept and utilize funds made available for salvage archeological purposes by any private person or corporation or transferred to him by any Federal agency.

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16 U.S.C. 469c,
Use of project funds
and authorization of
appropriation

16 U.S.C. 469c(a),
Assistance of Federal
agencies, 1% limit

16 U.S.C. 469c(d),
Appropriation avail-
ability

16 U.S.C. 469c-1,
"State" defined

Section 7

(a) To carry out the purposes of sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], any Federal agency responsible for a construction project may assist the Secretary and/or it may transfer to him such funds as may be agreed upon, but not more than 1 per centum of the total amount authorized to be appropriated for such project, except that the 1 per centum limitation of this section shall not apply in the event that the project involves \$50,000 or less: *Provided*, That the costs of such survey, recovery, analysis, and publication shall be considered nonreimbursable project costs.

(16 U.S.C. 469c(b), Appropriation authorization
for data preservation, omitted)

(16 U.S.C. 469c(c), Appropriation authorization
for surveys and investigations text, omitted)

(d) Beginning fiscal year 1979, sums appropriated for purposes of this section shall remain available until expended.

Section 8

As used in sections 1 to 8 of this Act [16 U.S.C. 469-469c-1], the term "**State**" includes the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

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Addendum

Addendum to the Archeological and Historic Preservation Act of 1974, as amended, from section 208 of the National Historic Preservation Act Amendments of 1980 [Public Law 96-515], as amended.

16 U.S.C. 469c-2,
Costs for identifica-
tion, surveys, evalua-
tion, and data recovery
Planning, not mitiga-
tion costs

Costs chargeable
to licensees and
permittees

Waiver of 1% limit

Section 208

Notwithstanding section 7(a) of this Act [16 U.S.C. 469c], or any other provision of law to the contrary—

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

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7 of this Act [16 U.S.C. 469c(a)].