

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2469

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

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IN THE SENATE OF THE UNITED STATES

MAY 20, 2004

Mr. TALENT introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NATIONAL HISTORIC PRESERVATION ACT**  
4 **AMENDMENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “National Historic Preservation Act Amendments Act of  
7 2004”.

1 (b) REFERENCE.—A reference in this Act to “the  
2 Act” shall be a reference to the National Historic Preser-  
3 vation Act.

4 (c) MEMBERSHIP OF ADVISORY COUNCIL ON HIS-  
5 TORIC PRESERVATION.—

6 (1) ADDITIONAL MEMBERS.—Section 201(a)(4)  
7 of the Act (16 U.S.C. 470i(a)(4)) is amended by  
8 striking “four” and inserting “seven”.

9 (2) ALLOWING DESIGNEE FOR GOVERNOR MEM-  
10 BER.—Section 201(b) of the Act (16 U.S.C. 470i(b))  
11 is amended by striking “(5) and”.

12 (3) QUORUM.—Section 201(f) of the Act (16  
13 U.S.C. 470i(f)) is amended by striking “Nine” and  
14 inserting “Eleven”.

15 (d) FINANCIAL AND ADMINISTRATIVE SERVICES FOR  
16 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION.—  
17 Section 205(f) of the Act (16 U.S.C. 470m(f)) is amended  
18 to read as follows:

19 “(f) Financial and administrative services (including  
20 those related to budgeting, accounting, financial reporting,  
21 personnel and procurement) shall be provided the Council  
22 by the Department of the Interior or, at the discretion  
23 of the Council, such other agency or private entity that  
24 reaches an agreement with the Council, for which pay-  
25 ments shall be made in advance or by reimbursement from

1 funds of the Council in such amounts as may be agreed  
2 upon by the Chairman of the Council and the head of the  
3 agency or, in the case of a private entity, the authorized  
4 representative of the private entity that will provide the  
5 services. When a Federal agency affords such services, the  
6 regulations of that agency for the collection of indebted-  
7 ness of personnel resulting from erroneous payments (5  
8 U.S.C. 5514(b)) shall apply to the collection of erroneous  
9 payments made to or on behalf of a Council employee and  
10 regulations of that agency for the administrative control  
11 of funds (31 U.S.C. 1513(d), 1514) shall apply to appro-  
12 priations of the Council. The Council shall not be required  
13 to prescribe such regulations.”.

14 (e) DONATION AUTHORITY OF THE ADVISORY COUN-  
15 CIL ON HISTORIC PRESERVATION.—Section 205(g) of the  
16 Act (16 U.S.C. 470m(g)) is amended—

17 (1) by striking “obtain,” and inserting “solicit  
18 and obtain,”; and

19 (2) by striking “may also receive” and inserting  
20 “may also solicit and receive”.

21 (f) APPROPRIATION AUTHORIZATION OF THE ADVI-  
22 SORY COUNCIL ON HISTORIC PRESERVATION.—Section  
23 212(a) of the Act (16 U.S.C. 470t(a)) is amended by  
24 striking “for purposes of this title not to exceed  
25 \$4,000,000 for each fiscal year 1997 through 2005” and

1 inserting “such amounts as may be necessary to carry out  
2 this title”.

3 (g) EFFECTIVENESS OF FEDERAL GRANT AND AS-  
4 SISTANCE PROGRAMS IN MEETING THE PURPOSES AND  
5 POLICIES OF THE NATIONAL HISTORIC PRESERVATION  
6 ACT.—Title II of the Act is amended by adding at the  
7 end the following new section:

8 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**  
9 **SISTANCE PROGRAMS.**

10 “(a) COOPERATIVE AGREEMENTS.—The Council may  
11 enter into a cooperative agreement with any Federal agen-  
12 cy that administers a grant or assistance program for the  
13 purpose of improving the effectiveness of the administra-  
14 tion of such program in meeting the purposes and policies  
15 of this Act. Notwithstanding any other provision of law,  
16 such cooperative agreements may include provisions that  
17 modify the selection criteria for a grant or assistance pro-  
18 gram to further the purposes of this Act or that allow the  
19 Council to jointly administer a grant or assistance pro-  
20 gram, including participation in the selection of recipients,  
21 if such are not inconsistent with the grant or assistance  
22 program’s statutory authorization and purpose.

23 “(b) REVIEW OF GRANT AND ASSISTANCE PRO-  
24 GRAMS.—The Council may—

1           “(1) review the operation of any Federal grant  
2 or assistance program to evaluate the effectiveness  
3 of such program in meeting the purposes and poli-  
4 cies of this Act;

5           “(2) make recommendations to the head of any  
6 Federal agency that administers such program to  
7 further the consistency of the program with the pur-  
8 poses and policies of the Act and to improve its ef-  
9 fectiveness in carrying out those purposes and poli-  
10 cies; and

11           “(3) make recommendations to the President  
12 and the Congress regarding the effectiveness of Fed-  
13 eral grant and assistance programs in meeting the  
14 purposes and policies of this Act, including rec-  
15 ommendations with regard to appropriate funding  
16 levels.”.

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