

109TH CONGRESS
2D SESSION

H. R. 5861

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2006

Received

NOVEMBER 13, 2006

Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To amend the National Historic Preservation Act, and for
other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Historic Pres-
3 ervation Act Amendments of 2006”.

4 **SEC. 2. HISTORIC PRESERVATION OFFICER RESPONSIBIL-
5 ITIES.**

6 Section 101(b) of the National Historic Preservation
7 Act (16 U.S.C. 470a(b)) is amended by adding at the end
8 the following:

9 “(7) The State Historic Preservation Officer
10 shall have no authority to require an applicant for
11 Federal assistance, permit, or license to identify his-
12 toric properties outside the undertaking’s area of po-
13 tential effects as determined by the Federal agency
14 in accordance with the regulations implementing sec-
15 tion 106.

16 “(8) If the State Historic Preservation Officer,
17 Tribal representative, or Tribal Historic Preserva-
18 tion Officer fails to respond within 30 days after an
19 adequately documented finding of ‘no historic prop-
20 erties affected’ or ‘no adverse effect’ as provided in
21 the regulations implementing section 106, the Fed-
22 eral agency may assume that the State Historic
23 Preservation Officer or Tribal Historic Preservation
24 Officer has no objection to the finding.”.

1 **SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF**
2 **LOCAL GOVERNMENTS TO CARRY OUT NA-**
3 **TIONAL HISTORIC PRESERVATION ACT.**

4 Section 101(c)(1) of the National Historic Preserva-
5 tion Act (16 U.S.C. 470a(c)(1)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (D);

8 (2) by redesignating subparagraph (E) as sub-
9 paragraph (F);

10 (3) by inserting after subparagraph (D) the fol-
11 lowing new subparagraph:

12 “(E) agrees that it shall not use any eligi-
13 bility determination regarding the inclusion of
14 any property or District on the National Reg-
15 ister to initiate local regulatory requirements
16 unless the entity provides full due process pro-
17 tection to the owner or owners of the property
18 or District through a hearing process; and”;
19 and

20 (4) in the matter below the subparagraphs, by
21 striking “through (E)” and inserting “through (F)”.
22 **SEC. 4. HISTORIC PRESERVATION FUND.**

23 Section 108 of the National Historic Preservation Act
24 (16 U.S.C. 470h) is amended by striking “2005” and in-
25 serting “2015”.

1 **SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.**

2 (a) MEMBERSHIP.—Section 201 of the national his-
3 toric preservation act (16 U.S.C. 470i) is amended—

4 (1) in subsection (a)(4), by striking “four” and
5 inserting “seven”;

6 (2) in subsection (b), by striking “(5) and (6)”
7 and inserting “paragraph (6)”; and

8 (3) in subsection (f), by striking “Nine” and in-
9 serting “Eleven”.

10 (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—

11 Section 205(f) of such Act (16 U.S.C. 470m(f)) is amend-
12 ed to read as follows:

13 “(f) Financial and administrative services (including
14 those related to budgeting, accounting, financial reporting,
15 personnel and procurement) shall be provided the Council
16 by the Department of the Interior or, at the discretion
17 of the Council, such other agency or private entity that
18 reaches an agreement with the Council, for which pay-
19 ments shall be made in advance or by reimbursement from
20 funds of the Council in such amounts as may be agreed
21 upon by the Chairman of the Council and the head of the
22 agency or, in the case of a private entity, the authorized
23 representative of the private entity that will provide the
24 services. When a Federal agency affords such services, the
25 regulations of that agency for the collection of indebted-
26 ness of personnel resulting from erroneous payments, pre-

1 scribed under section 5514(b) of title 5, United States
2 Code, shall apply to the collection of erroneous payments
3 made to or on behalf of a Council employee, and regula-
4 tions of that agency for the administrative control of funds
5 under sections 1513(d) and 1514 of title 31, United
6 States Code, shall apply to appropriations of the Council.
7 The Council shall not be required to prescribe such regula-
8 tions.”.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
10 212(a) of the Act (16 U.S.C. 470t(a)) is amended by
11 striking “for purposes of this title not to exceed
12 \$4,000,000 for each fiscal year 1997 through 2005” and
13 inserting “such amounts as may be necessary to carry out
14 this title”.

15 **SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-
16 ANCE PROGRAMS IN MEETING PURPOSES
17 AND POLICIES OF THE NATIONAL HISTORIC
18 PRESERVATION ACT.**

19 The National Historic Preservation Act is amended
20 by inserting after section 215 (16 U.S.C. 470v-1) the fol-
21 lowing new section:

22 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-
23 SISTANCE PROGRAMS.**

24 “(a) COOPERATIVE AGREEMENTS.—The Council may
25 enter into a cooperative agreement with any Federal agen-

1 cy that administers a grant or assistance program for the
2 purpose of improving the effectiveness of the administra-
3 tion of such program in meeting the purposes and policies
4 of this Act. Such cooperative agreements may include pro-
5 visions that modify the selection criteria for a grant or
6 assistance program to further the purposes of this Act or
7 that allow the Council to participate in the selection of
8 recipients, if such provisions are not inconsistent with the
9 statutory authorization and purpose of the grant or assist-
10 ance program.

11 “(b) REVIEW OF GRANT AND ASSISTANCE PRO-
12 GRAMS.—The council may—

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

17 “(2) make recommendations to the head of the
18 Federal agency that administers such program to
19 further the consistency of the program with the pur-
20 poses and policies of this Act and to improve its ef-
21 fectiveness in carrying out those purposes and poli-
22 cies; and

23 “(3) make recommendations to the President
24 and the Congress regarding the effectiveness of Fed-
25 eral grant and assistance programs in meeting the

1 purposes and policies of this Act, including rec-
2 ommendations with regard to appropriate funding
3 levels.”.

Passed the House of Representatives September 25,
2006.

Attest: KAREN L. HAAS,
Clerk.