

Union Calendar No. 381

109TH CONGRESS
2^D SESSION

H. R. 5861

[Report No. 109-641]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2006

Mr. PEARCE introduced the following bill; which was referred to the
Committee on Resources

SEPTEMBER 6, 2006

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 20, 2006]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Historic Pres-*
5 *ervation Act Amendments of 2006”.*

1 **SEC. 2. STATE HISTORIC PRESERVATION OFFICER RESPON-**
2 **SIBILITIES.**

3 *Section 101(b) of the National Historic Preservation*
4 *Act (16 U.S.C. 470a(b)) is amended by adding at the end*
5 *the following:*

6 *“(7) The State Historic Preservation Officer shall have*
7 *no authority to require an applicant for Federal assistance,*
8 *permit, or license to identify historic properties outside the*
9 *undertaking’s area of potential effects as determined by the*
10 *Federal agency in accordance with regulations imple-*
11 *menting section 106.*

12 *“(8) If the State Historic Preservation Officer or Trib-*
13 *al Historic Preservation Officer fails to respond within 30*
14 *days after an adequately documented finding of ‘no historic*
15 *properties affected’ or ‘no adverse effect’ as provided in the*
16 *regulations implementing section 106, the Federal agency*
17 *may assume that the State Historic Preservation Officer*
18 *or Tribal Historic Preservation Officer has no objection to*
19 *the finding.”.*

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

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

25 *(1) by striking “and” at the end of subpara-*
26 *graph (D);*

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

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

5 “(E) agrees that it shall not use any eligibility
6 determination regarding the inclusion of any prop-
7 erty or District on the National Register to initiate
8 local regulatory requirements unless the entity pro-
9 vides full due process protection to the owner or own-
10 ers of the property or District through a hearing proc-
11 ess; and”;

12 (4) in the matter below the subparagraphs, by
13 striking “through (E)” and inserting “through (F)”.

14 **SEC. 4. HISTORIC PRESERVATION FUND.**

15 Section 108 of the National Historic Preservation Act
16 (16 U.S.C. 470h) is amended by striking “2005” and insert-
17 ing “2015”.

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

19 (a) *MEMBERSHIP*.—Section 201 of the National His-
20 toric Preservation Act (16 U.S.C. 470i) is amended—

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

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

1 (3) *in subsection (f), by striking “Nine” and in-*
2 *serting “Eleven”.*

3 (b) *FINANCIAL AND ADMINISTRATIVE SERVICES.—Sec-*
4 *tion 205(f) of such Act (16 U.S.C. 470m(f)) is amended to*
5 *read as follows:*

6 “(f) *Financial and administrative services (including*
7 *those related to budgeting, accounting, financial reporting,*
8 *personnel and procurement) shall be provided the Council*
9 *by the Department of the Interior or, at the discretion of*
10 *the Council, such other agency or private entity that reaches*
11 *an agreement with the Council, for which payments shall*
12 *be made from funds of the Council in such amounts as may*
13 *be agreed upon by the Chairman of the Council and the*
14 *head of the agency or, in the case of a private entity, the*
15 *authorized representative of the private entity that will pro-*
16 *vide the services. When a Federal agency affords such serv-*
17 *ices, the regulations of that agency for the collection of in-*
18 *debtedness of personnel resulting from erroneous payments,*
19 *prescribed under section 5514(b) of title 5, United States*
20 *Code, shall apply to the collection of erroneous payments*
21 *made to or on behalf of a Council employee, and regulations*
22 *of that agency for the administrative control of funds under*
23 *sections 1513(d) and 1514 of title 31, United States Code,*
24 *shall apply to appropriations of the Council. The Council*
25 *shall not be required to prescribe such regulations.”.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 212(a) of the Act (16 U.S.C. 470t(a)) is amended by strik-
3 ing “for purposes of this title not to exceed \$4,000,000 in
4 each fiscal year 1997 through 2005” and inserting “such
5 amounts as may be necessary to carry out this title”.

6 **SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-**
7 **ANCE PROGRAMS IN MEETING PURPOSES**
8 **AND POLICIES OF THE NATIONAL HISTORIC**
9 **PRESERVATION ACT.**

10 *The National Historic Preservation Act is amended by*
11 *inserting after section 215 (16 U.S.C. 470v–1) the following*
12 *new section:*

13 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**
14 **SISTANCE PROGRAMS.**

15 “(a) *COOPERATIVE AGREEMENTS.*—*The Council may*
16 *enter into a cooperative agreement with any Federal agency*
17 *that administers a grant or assistance program for the pur-*
18 *pose of improving the effectiveness of the administration of*
19 *such program in meeting the purposes and policies of this*
20 *Act. Such cooperative agreements may include provisions*
21 *that modify the selection criteria for a grant or assistance*
22 *program to further the purposes of this Act or that allow*
23 *the Council to participate in the selection of recipients, if*
24 *such provisions are not inconsistent with the statutory au-*
25 *thorization and purpose of the grant or assistance program.*

1 “(b) *REVIEW OF GRANT AND ASSISTANCE PRO-*
2 *GRAMS.—The council may—*

3 “(1) *review the operation of any Federal grant*
4 *or assistance program to evaluate the effectiveness of*
5 *such program in meeting the purposes and policies of*
6 *this Act;*

7 “(2) *make recommendations to the head of the*
8 *Federal agency that administers such program to fur-*
9 *ther the consistency of the program with the purposes*
10 *and policies of this Act and to improve its effective-*
11 *ness in carrying out those purposes and policies; and*

12 “(3) *make recommendations to the President and*
13 *the Congress regarding the effectiveness of Federal*
14 *grant and assistance programs in meeting the pur-*
15 *poses and policies of this Act, including recommenda-*
16 *tions with regard to appropriate funding levels.”.*

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