

§ 102-77.5

102-77.10 What basic Art-in-Architecture policy governs Federal agencies?

Subpart B—Art-in-Architecture

102-77.15 Who funds the Art-in-Architecture efforts?

102-77.20 With whom should Federal agencies collaborate when commissioning and selecting art for Federal buildings?

102-77.25 Do Federal agencies have responsibilities to provide national visibility for Art-in-Architecture?

AUTHORITY: 40 U.S.C. 121 and 3306.

SOURCE: 70 FR 67847, Nov. 8, 2005, unless otherwise noted.

Subpart A—General Provisions

§ 102-77.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.

§ 102-77.10 What basic Art-in-Architecture policy governs Federal agencies?

Federal agencies must incorporate fine arts as an integral part of the total building concept when designing new Federal buildings, and when making substantial repairs and alterations to existing Federal buildings, as appropriate. The selected fine arts, including painting, sculpture, and artistic work in other media, must reflect the national cultural heritage and emphasize the work of living American artists.

Subpart B—Art-in-Architecture

§ 102-77.15 Who funds the Art-in-Architecture efforts?

To the extent not prohibited by law, Federal agencies must fund the Art-in-Architecture efforts by allocating a portion of the estimated cost of constructing or purchasing new Federal buildings, or of completing major repairs and alterations of existing buildings. Funding for qualifying projects, including new construction, building purchases, other building acquisition, or prospectus-level repair and alteration projects, must be in a range de-

41 CFR Ch. 102 (7-1-11 Edition)

termined by the Administrator of General Services.

§ 102-77.20 With whom should Federal agencies collaborate with when commissioning and selecting art for Federal buildings?

To the maximum extent practicable, Federal agencies should seek the support and involvement of local citizens in selecting appropriate artwork. Federal agencies should collaborate with the artist and community to produce works of art that reflect the cultural, intellectual, and historic interests and values of a community. In addition, Federal agencies should work collaboratively with the architect of the building and art professionals, when commissioning and selecting art for Federal buildings. Federal agencies should commission artwork that is diverse in style and media.

§ 102-77.25 Do Federal agencies have responsibilities to provide national visibility for Art-in-Architecture?

Yes, Federal agencies should provide Art-in-Architecture that receives appropriate national and local visibility to facilitate participation by a large and diverse group of artists representing a wide variety of types of artwork.

PART 102-78—HISTORIC PRESERVATION

Subpart A—General Provisions

Sec.

102-78.5 What is the scope of this part?

102-78.10 What basic historic preservation policy governs Federal agencies?

Subpart B—Historic Preservation

102-78.15 What are historic properties?

102-78.20 Are Federal agencies required to identify historic properties?

102-78.25 What is an undertaking?

102-78.30 Who are consulting parties?

102-78.35 Are Federal agencies required to involve consulting parties in their historic preservation activities?

102-78.40 What responsibilities do Federal agencies have when an undertaking adversely affects an historic or cultural property?

102-78.45 What are Federal agencies' responsibilities concerning nomination of properties to the National Register?

Federal Management Regulation

§ 102-78.30

102-78.50 What historic preservation services must Federal agencies provide?

102-78.55 For which properties must Federal agencies provide historic preservation services?

102-78.60 When leasing space, are Federal agencies able to give preference to space in historic properties or districts?

102-78.65 What are Federal agencies' historic preservation responsibilities when disposing of real property under their control?

102-78.70 What are an agency's historic preservation responsibilities when disposing of another Federal agency's real property?

AUTHORITY: 16 U.S.C. 470h-2; 40 U.S.C. 121(c) and 581.

SOURCE: 70 FR 67848, Nov. 8, 2005, unless otherwise noted.

Subpart A—General Provisions

§ 102-78.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including GSA's Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services. The policies in this part are in furtherance of GSA's preservation program under section 110 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and apply to properties under the jurisdiction or control of the Administrator and to any Federal agencies operating, maintaining or protecting such properties under a delegation of authority from the Administrator.

§ 102-78.10 What basic historic preservation policy governs Federal agencies?

To protect, enhance and preserve historic and cultural property under their control, Federal agencies must consider the effects of their undertakings on historic and cultural properties and give the Advisory Council on Historic Preservation (Advisory Council), the State Historic Preservation Officer (SHPO), and other consulting parties a reasonable opportunity to comment regarding the proposed undertakings.

Subpart B—Historic Preservation

§ 102-78.15 What are historic properties?

Historic properties are those that are included in, or eligible for inclusion in, the National Register of Historic Places (National Register) as more specifically defined at 36 CFR 800.16.

§ 102-78.20 Are Federal agencies required to identify historic properties?

Yes, Federal agencies must identify all National Register or National Register-eligible historic properties under their control. In addition, Federal agencies must apply National Register Criteria (36 CFR part 63) to properties that have not been previously evaluated for National Register eligibility and that may be affected by the undertakings of Federally sponsored activities.

§ 102-78.25 What is an undertaking?

The term undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those—

- (a) Carried out by or on behalf of the agency;
- (b) Carried out with Federal financial assistance; or
- (c) Requiring a Federal permit, license, or approval.

§ 102-78.30 Who are consulting parties?

As more particularly described in 36 CFR 800.2(c), consulting parties are those parties having consultative roles in the Section 106 process (i.e., Section 106 of the National Historic Preservation Act), which requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. Specifically, consulting parties include the State Historic Preservation Officer; the Tribal Historic Preservation Officer; Indian tribes and Native Hawaiian organizations; representatives of local governments; applicants for Federal assistance, permits, licenses, and other approvals; other individuals and organizations