

Calendar No. 453

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 106-237

NATIONAL HISTORIC PRESERVATION FUND

MARCH 9, 2000.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 834]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the Act, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Historic Preservation Act Amendments of 1999.”

SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended in the second sentence by striking “1997” and inserting “2005”.

SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.

Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking “2000” and inserting “2005”.

SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.

Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h-2(a)(1)) is amended in the second sentence by striking “agency.” and inserting “agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).”.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—

(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking “Officer,” and inserting “Officer; and”;

(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:

- “(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.”;
- (3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking “preservation; and” and inserting “preservation, and”;
- (4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking “programs;” and inserting “programs; and”;
- (5) section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking “year.” and inserting “year.”;
- (6) in section 103(a) (16 U.S.C. 470c(a))—
- (A) by striking “purposes this Act” and inserting “purposes of this Act”; and
- (B) by striking “him:” and inserting “him.”;
- (7) in section 108 (16 U.S.C. 470h) by striking “(43 U.S.C. 338)” and inserting “(43 U.S.C. 1338)”;
- (8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking “with the Council” and inserting “pursuant to regulations issued by the Council”;
- (9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking “(25 U.S.C. 3001 (3) and (9))” and inserting “(25 U.S.C. 3001 (3) and (9))”;
- (10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking “Officer, and” and inserting “Officer; and”;
- (11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking “Except as provided in subsection (b) of this section, no” and inserting “No”;
- (12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking “Except as provided in subsection (b) of this section, the” and inserting “The”;
- (13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and
- (14) in section 404(c)(2) (16 U.S.C. 740x–3(c)(2)) by striking “organizations, and” and inserting “organizations; and”.
- (b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking “subsection 6(c) and inserting “subsection 206(c)”.

2. Amend the title so as to read: “An Act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.”.

PURPOSE OF THE MEASURE

The purpose of H.R. 834, as ordered reported, is to make technical changes to the National Historic Preservation Act and to reauthorize the Historic Preservation Fund and the Advisory Council for Historic Preservation.

BACKGROUND AND NEED

The National Historic Preservation Act of 1966 (NHPA), Public Law 89–665, established a policy of Federal support and funding for the preservation of prehistoric and historic resources. The NHPA also encouraged State and local historic preservation through the establishment of State Historic Preservation Offices (SHPO).

The NHPA authorized a grants-in-aid program under the Historic Preservation Fund. This program provides funding to States for historic preservation projects to individuals for the preservation of properties listed on the National Register, and to assist State Preservation Offices with State and local historic preservation projects. These funds are authorized by Congress through the Outer Continental Shelf Lands Act. The \$150 million per year authorization expired on September 30, 1997.

The NHPA also established the Advisory Council on Historic Preservation (Council) to advise the President and the Congress on

matters relating to historic preservation. The Council also reviews the policies of Federal agencies in implementing NHPA, conducts training and educational programs, and encourages public participation in historic preservation. The Advisory Council's authorization expires in 2000.

The NHPA also encourages State and local historic preservation, through State Historic Preservation Officers (SHPO). The program consists of identification and inventory of historic properties within a State; nomination of eligible properties to the National Register; and preparation and implementation of a Statewide historic preservation plan, including coordination with federal agencies and the public.

Moreover, the NHPA authorizes a grant program, through the Historic Preservation Fund, to provide States funds for historic preservation projects and to individuals for the preservation of properties listed on the National Register. The grant program provides for two types of grants: one for survey and planning purposes, which essentially supports the administration functions of the SHPO; the other supports "bricks and mortar" preservation or rehabilitation of historic properties.

The NHPA also established the Advisory Council on Historic Preservation, which is now an independent agency, composed of 20 members representing a broad range of Federal, State, and local public and private sector experience in historic preservation matters. The Advisory Council advises the President and Congress on historic preservation, reviews the policies of federal agencies in implementing the NHPA, conducts training and educational programs, and encourages public participation in historic preservation.

The authorization for the Historic Preservation Fund expired at the end of fiscal year 1997. The authorization for appropriations for the Advisory Council on Historic Preservation expires at the end of fiscal year 2000. H.R. 834 would amend the NHPA by authorizing appropriations for the Historic Preservation Fund, and the Advisory Council on Historic Preservation, thru fiscal year 2005. Therefore, authorizations for both the Fund and the Advisory Council will expire at the same time. H.R. 834 also makes a number of technical changes to the NHPA.

In addition, H.R. 834 would require Federal agencies, in accordance with Executive Order 13006, to first consider using historic properties before building new structures or leasing space for offices or other facilities.

LEGISLATIVE HISTORY

H.R. 834 was passed by the House of Representatives on September 21, 1999 and was referred to the Committee on Energy and Natural Resources on September 22, 1999.

On October 21, 1999 the Subcommittee on National Parks, Historic Preservation, and Recreation held a hearing on H.R. 834 and on companion legislation, S. 1365, introduced by Senator Murkowski on behalf of the Administration, and S. 1434, that sponsored by Senators Landrieu, Akaka and Cleland.

During the 105th Congress, the Committee reported and the Senate passed similar legislation, S. 2257. The House of Representatives also passed a related measure, H.R. 1522. However, the

House and Senate were unable to reconcile the bills prior to the sine die adjournment of the Congress.

At its business meeting on February 10, 2000 the Committee on Energy and Natural Resources ordered H.R. 834, favorably reported, as amended.

COMMITTEE RECOMMENDATION

During the consideration of H.R. 834, the Committee adopted an amendment in the nature of a substitute. The Committee on Energy and Natural Resources, in open business session on February 10, 2000 by a unanimous voice vote of a quorum present, recommends that the Senate pass H.R. 834, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of H.R. 834, the Committee adopted an amendment in the nature of a substitute. In addition to making several technical and conforming changes, the amendment deleted the provision dealing with properties under the jurisdiction of the Architect of the Capitol.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill's short title as the "National Historic Preservation Act Amendments of 1999."

Section 2 amends section 108 of the National Historic Preservation Act to reauthorize the Historic Preservation Fund until the end of fiscal year 2005.

Section 3 amends section 212(a) of the National Historic Preservation Act to extend authorize appropriations for the Advisory Council for Historic Preservation until the end of fiscal year 2005.

Section 4 amends section 110(a)(1) of the National Historic Preservation Act to codify Executive Order 13006, issued May 21, 1996, which encourages Federal agencies to use historic properties prior to acquiring, constructing or leasing buildings for offices and facilities.

Section 5(a) makes 15 technical or conforming amendments to the National Historic Preservation Act.

Subsection (b) amends Public Law 96-199 to make a conforming amendment.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 2000.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 834, the National Historic Preservation Act Amendments of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 834—National Historic Preservation Act Amendments of 1999

Summary: H.R. 834 would authorize annual transfers of \$150 million to the Historic Preservation Fund (HPF) through 2005. Amounts transferred would come from receipts earned from oil and gas development on the Outer Continental Shelf. Authority to transfer this amount to the HPF expired at the end of fiscal year 1997. The National Park Service makes grants to the National Trust for Historic Preservation, to state, local, and tribal governments, and to nonprofit and other organizations with amounts appropriated from the HPF. The act also would authorize the appropriation of \$4 million a year through 2005, for the Advisory Council on Historic Preservation. This sum is currently authorized to be appropriated (from the general fund of the U.S. Treasury) through fiscal year 2000.

Assuming appropriation of the amounts deposited into the HPF each year, and assuming appropriation of the authorized amounts for the Advisory Council on Historic Preservation, CBO estimates that implementing H.R. 834 would result in additional discretionary spending of nearly \$600 million over the 2000–2005 period. (About \$170 million would be spent in subsequent years.)

The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 834 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would probably incur some costs to match the funds authorized by the bill, but these costs would be voluntary.

Estimated cost to the Federal Government: The \$150 million to be deposited into the HPF under H.R. 834 is the same amount that was deposited to the fund annually from 1980 through 1997, but is significantly greater than the \$75 million appropriated for 2000. In recent years, annual appropriations for the advisory council have been about \$3 million. The estimated budgetary impact of H.R. 834 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget authority ¹	78	0	0	0	0	0
Estimated outlays	75	45	23	4	0	0
Proposed changes:						
Authorization level	0	154	154	154	154	154
Estimated outlays	0	49	94	147	154	154
Spending under H.R. 834:						
Authorization level ¹	78	154	154	154	154	154
Estimated outlays	75	94	117	151	154	154

¹The 2000 level includes \$75 million appropriated from the HTF and \$3 million appropriated for the Advisory Council on Historic Preservation.

Basis of estimate: For purposes of this estimate, CBO assumes that the entire amounts transferred to the HPF and authorized for the advisory council under H.R. 834 will be appropriated for each fiscal year. Outlay estimates are based on historical spending patterns for council activities and HPF programs adjusted to account for anticipated delays in funding matching shares for certain grants because of the large increase in spending that would be authorized by this bill. This estimate does not include any potential spending from current balances in the HPF that have not yet been appropriated. Such funds—about \$2.1 billion—remain available for appropriation.

Other provisions of H.R. 834, which would amend the National Historic Preservation Act, would have no impact on the federal budget.

Pay-as-you-go considerations: None.

Estimated impact on State, local, and tribal governments: H.R. 834 contains no intergovernmental mandates as defined in UMRA. Under current law, historic preservation grants to states must be nonfederal funds equal to at least 40 percent of total spending. Any spending by state and local governments to match the funds authorized by this bill would be voluntary.

Estimated impact on the private sector: This bill contains no private-sector mandates as defined in UMRA.

Previous CBO cost estimate: On July 16, 1999, CBO prepared a cost estimate for H.R. 834, a bill to extend the authorization for the National Historic Preservation Fund, as ordered reported by the House Committee on Resources on June 30, 1999. The difference in the estimated costs of the two versions of this legislation reflect new assumptions regarding the date of enactment.

Estimate prepared by: Federal cost: Deborah Reis; impact on State, local, and tribal governments: Marjorie Miller.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 834. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of H.R. 834, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to H.R. 834, is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 25, 1999.

Hon. FRANK MURKOWSKI,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter presents the Department's views on H.R. 834, a bill to amend the National Historic Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation through 2005.

The Department supports the intent of H.R. 834, but believes that it needs to be amended as detailed in this report.

H.R. 834 passed the House on September 22. Besides authorizing the Historic Preservation Fund and Advisory Council on Historic Preservation through 2005, the bill provides increased flexibility to the National Trust for Historic Preservation to improve implementation of its statutory mission; clarifies the application of the act regarding the White House, the Supreme Court and the United States Capitol; directs Federal agencies to give first consideration to historic properties and districts when locating their facilities; and makes a few technical corrections to the act.

Congress passed the National Historic Preservation Act of 1966, which established the national historic preservation program. While there have been a number of significant amendments to the act, one of the most significant was the creation of the Historic Preservation Fund in 1976. Congress created the Historic Preservation Fund so that revenues from the use of Outer Continental Shelf resources could help pay for a partial share of the identification, evaluation, and protection of our nation's irreplaceable historic and archaeological treasures. The creation of the Historic Preservation Fund helped to reduce the loss of much of this nation's invaluable heritage and established the means for the federal government to protect and preserve our nation's historic sites, which are the tangible embodiments of America's past.

Under the Historic Preservation Fund, the National Park Service provides grant funds to states, tribes, local governments, and the National Trust for Historic Preservation to carry out, nationwide, the federal mandates authorized under the program. In FY 1999, 1,466 new listings were added to the National Register of Historic Places, bringing the total number of listings to approximately 71,000 and the number of individual historic properties to over one million.

The Historic Preservation Fund also provides partial support to the State Historic Preservation Offices. Appointed by their respective Governors, State Historic Preservation Officers assist individuals and organizations with nominations to the National Register of Historic Places, conduct comprehensive surveys and maintain information on inventories of historic properties, provide assistance and advice to federal, state, and local agencies in carrying out their historic preservation activities, and provide help to property owners in the evaluation of proposals for the federal historic preservation tax incentives.

The Historic Preservation Fund program provides support for the preservation and protection of Native American cultural heritage and Historically Black Colleges and Universities. Further, one of the most recognized federal/state partnerships supported through the Historic Preservation Fund is the Federal Tax Incentives for Rehabilitating Historic Buildings program, which is administered by the National Park Service and State Historic Preservation Officers. While the Federal Tax Incentives for Rehabilitating Historic Buildings program has been successful in preserving historic structures, the program also plays an important role in the economic impact on communities.

Under the National Historic Preservation Act of 1966, Congress also created the Advisory Council on Historic Preservation. An independent federal agency dedicated to historic preservation; the Advisory Council is the major policy advisor to the federal government on historic preservation. The council is comprised of 20 members, including private citizens and experts in the field of historic preservation. Its mission is to advocate full consideration of historic values in federal decision making; to oversee the Section 106 review process, which requires federal agency officials to consider the impact of their programs and projects on places of historic value; to review federal programs and policies to further preservation efforts; to provide training, guidance, and information to the public and federal entities; and to recommend administrative and legislative improvements for protecting the nation's heritage.

The Department strongly supports reauthorization of the Advisory Council on Historic Preservation through 2005. The council serves a critical role in the national historic preservation partnership and remains a vital part of the historic preservation success story in this country and deserves continued support.

We support H.R. 834, however, we believe the bill's provisions, making the location of federal facilities in historic districts a priority, should be amended. H.R. 834 codifies select provisions of Executive Order 13006 which require, under specific circumstances, agencies to give first consideration to locating federal facilities in historic properties in historic districts, especially those in central business districts. Yet, Executive Order 13006 also reaffirms the Federal Government's commitment to locating federal agencies in urban and rural areas. Significantly, the priorities and guidance contained in Executive Order 13006 represent a balance of agency decision-making discretion, existing laws, and federal location priorities that is absolutely critical. The Administration believes that codifying only the provisions of Executive Order 13006 that make locating federal facilities in historic districts a priority, while ex-

cluding the provisions of the Executive Order that allow agencies to balance other executive and statutory location mandates, make the location process inflexible and could adversely affect the Government's ability to make operationally appropriate and economically prudent location decisions. The Administration stands ready to work with the Committee to draft language that would address these concerns.

In sum, the Historic Preservation Fund is highly cost effective and remains the cornerstone of our public policy on historic preservation. It is essential for our national historic preservation partnership and a good value for all Americans.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD BARRY,
*Assistant Secretary for Fish
and Wildlife and Parks.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law by H.R. 834, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman);

**(THE NATIONAL HISTORIC PRESERVATION ACT OF 1966,
AS AMENDED)**

(Public Law 89-665)

* * * * *
SEC. 101. (a) * * *
* * * * *
(d)(1)(A) * * *
* * * * *

(D) the Secretary determines, after consulting with the tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 106), and other tribes, if any whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program—

(i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (C);

(ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation **[Officer;]** *Officer; and*

* * * * *
(e)(1) * * * * *
* * * * *

[(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), for the purposes of carrying out the responsibilities of the National Trust.]

(2) *The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947), consistent with the purposes of its charter and this Act.*

* * * * *
(3)(A) * * *

* * * * *
(ii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic [preservation; and] *preservation, and*

* * * * *
(j)(1) * * *

* * * * *
(2) The education and training program described in paragraph (1) shall include—

(A) new standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;

(B) increased preservation training opportunities for other Federal, State, tribal, and local government workers, and students;

(C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree [programs] *programs; and*

* * * * *
SEC. 102. (a) No grant may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive stateside historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 101(b)(3) in any one fiscal [year.] *year;*

* * * * *
SEC. 103. (a) The amounts appropriated and made available for grants to the States for the [purposes this Act] *purposes of this Act*

shall be apportioned among the States by the Secretary on the basis of needs as determined by [him:] *him*.

* * * * *

SEC. 108. To carry out provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such funds \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980, and \$150,000,000 for fiscal year 1981, and \$150,000,000 for each of fiscal years 1982 through [1997] 2005, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended [(43 U.S.C. 338)] (43 U.S.C. 1338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for sail purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

* * * * *

SEC. 110. (a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal [agency] *agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071)*, shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g), any preservation, as may be necessary to carry out this section.

* * * * *

(b) * * *

* * * * *

(1) With respect to any undertaking subject to section 106 which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement [with the Council] *pursuant to regulations issued by the Council*, the head of such agency shall document any decision made pursuant to section 106. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all its parts.

* * * * *

SEC. 112. (a) * * *

* * * * *

(b)(1) * * *

* * * * *

(3) encourage the protection of Native American cultural items (within the meaning of section 2(3) and (9) of the Native American Grave Protection and Repatriation Act [(25 U.S.C. 30001 (3) and (9))] (25 U.S.C. 3001 (3) and (9))) and of properties of religious or cultural importance of Indian tribes, Native Hawaiians, or other Native American groups; and

SEC. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. There are authorized to be appropriated for the purposes of this title not to exceed \$4,000,000 in each fiscal year 1997 through [2000] 2005.

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SEC. 301. (1) * * *

* * * * *

(12)(A) * * *

* * * * *

(C) which has the authority to—

- (i) review National Register nominations and appeals from nominations;
- (ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;
- (iii) provide general advice and guidance to the State Historic Preservation [Officer, and] *Officer; and*

* * * * *

SEC. 307. (a) [Except as provided in subsection (b) of this section, no] *No* final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

[(c) Except as provided in subsection (b), the] *(b) The* regulations shall not become effective, if, within ninety calendar days of continuous session of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: “That Congress disapproves the regulations promulgated by the Secretary dealing with the matter of ____, which regulation was transmitted to Congress on ____,” the blank spaces therein being appropriately filled.

[(d)] *(c)* If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

[(e)] *(d)* For the purposes of this section—

- (1) continuity of session is broken only by an adjournment sine die; and

(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

[(f)] (e) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

* * * * *

SEC. 404. PRESERVATION TECHNOLOGY AND TRAINING BOARD.

(a) * * *

* * * * *

(c) MEMBERSHIP.—The Board shall be comprised of—

(1) the Secretary, or the Secretary’s designee;

(2) 6 members appointed by the Secretary who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international [organizations, and] *organizations; and*

* * * * *

(Public Law 96–199)

SEC. 101. * * *

* * * * *

SEC. 114. Section 206 of the Act of October 15, 1966 (80 Stat. 915), is amended by deleting all of [subsection 6(c)] *subsection 206(c)* and inserting in lieu thereof the following:

* * * * *

