

**[DISCUSSION DRAFT]****1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "National Historic Pres-  
3 ervation Act Amendments of 2005".

**4 SEC. 2. OWNER PARTICIPATION IN NOMINATION PROCESS.**

5 (a) EFFECT OF OBJECTION.—Section 101(a)(6) of  
6 the National Historic Preservation Act (16 U.S.C.  
7 470a(a)(6)) is amended by striking ", such property" in  
8 the second sentence and all that follows through the end  
9 of the third sentence and inserting the following: ", no  
10 further processing of the nomination, including making  
11 any determination regarding the eligibility of the property  
12 or district for such inclusion or designation, shall be un-  
13 dertaken until the objection is withdrawn."

14 (b) REGULATIONS.—The regulations required by sec-  
15 tion 101(a)(6) of the National Historic Preservation Act  
16 (16 U.S.C. 470a(a)(6)), as amended by subsection (a),  
17 shall be promulgated in final form not later than one year  
18 after the date of the enactment of this Act.



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

4 Section 101(e)(1) of the National Historic Preserva-  
5 tion Act (16 U.S.C. 470a(e)(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, if the local government in-  
13 tends to use an eligibility determination regard-  
14 ing inclusion of property on the National Reg-  
15 ister to trigger local regulatory requirements, to  
16 also provide full due process protection to the  
17 owner of the property through a separate hear-  
18 ing process; and”;

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

21 SEC. 4. CONSIDERATION OF EFFECT OF FEDERAL UNDER-  
22 TAKINGS.

23 Section 106 of the National Historic Preservation Act  
24 (16 U.S.C. 470f) is amended by striking “or eligible for  
25 inclusion in” and inserting “, or determined by the Sec-  
26 retary to be eligible for inclusion in,”.

1 **SEC. 5. HISTORIC PRESERVATION FUND.**

2 Section 108 of the National Historic Preservation Act  
3 (16 U.S.C. 470h) is amended by striking "2006" and in-  
4 serting "2012".

5 **SEC. 6. ADVISORY COUNCIL ON HISTORIC PRESERVATION.**

6 (a) **MEMBERSHIP.**—section 201 of the National His-  
7 toric Preservation Act (16 U.s.c. 470i) Is Amended.—

8 (1) in subsection (a)(4), by striking "four" and  
9 inserting "seven";

10 (2) in subsection (b), by striking "(5) and (6)"  
11 and inserting "paragraph (6)"; and

12 (3) in subsection (f), by striking "Nine" and in-  
13 serting "Eleven".

14 (b) **FINANCIAL AND ADMINISTRATIVE SERVICES.**—

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

17 "(f) Financial and administrative services (including  
18 those related to budgeting, accounting, financial reporting,  
19 personnel and procurement) shall be provided the Council  
20 by the Department of the Interior or, at the discretion  
21 of the Council, such other agency or private entity that  
22 reaches an agreement with the Council, for which pay-  
23 ments shall be made in advance or by reimbursement from  
24 funds of the Council in such amounts as may be agreed  
25 upon by the Chairman of the Council and the head of the  
26 agency or, in the case of a private entity, the authorized



1 representative of the private entity that will provide the  
2 services. When a Federal agency affords such services, the  
3 regulations of that agency for the collection of indebted-  
4 ness of personnel resulting from erroneous payments, pre-  
5 scribed under section 5514(b) of title 5, United States  
6 Code, shall apply to the collection of erroneous payments  
7 made to or on behalf of a Council employee, and regula-  
8 tions of that agency for the administrative control of funds  
9 under sections 1513(d) and 1514 of title 31, United  
10 States Code, shall apply to appropriations of the Council.  
11 The Council shall not be required to prescribe such regula-  
12 tions.”

13 (c) DONATION AUTHORITY.—section 205(g) of Such  
14 Act (16 U.s.c. 470m(g)) Is Amended.—

15 (1) by striking “obtain,” and inserting “solicit  
16 and obtain,”; and

17 (2) by striking “may also receive” and inserting  
18 “may also solicit and receive”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 212(a) of such Act (16 U.S.C. 470t(a)) is amended by  
21 striking “in each fiscal year 1997 through 2005” and in-  
22 serting “for fiscal year 2006, \$5,000,000 for each of the  
23 fiscal years 2007 and 2008, and \$6,000,000 for each of  
24 the fiscal years 2009 through 2012”.



1 SEC. 7. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-  
2 ANCE PROGRAMS IN MEETING PURPOSES  
3 AND POLICIES OF THE NATIONAL HISTORIC  
4 PRESERVATION ACT.

5 The National Historic Preservation Act is amended  
6 by inserting after section 215 (16 U.S.C. 470v-1) the fol-  
7 lowing 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. Such cooperative agreements may include pro-  
16 visions that modify the selection criteria for a grant or  
17 assistance program to further the purposes of this Act or  
18 that allow the Council to participate in the selection of  
19 recipients, if such provisions are not inconsistent with the  
20 statutory authorization and purpose of the grant or assist-  
21 ance program.

22 "(b) REVIEW OF GRANT AND ASSISTANCE PRO-  
23 GRAMS.—the Council May.—

24 "(1) review the operation of any Federal grant  
25 or assistance program to evaluate the effectiveness



1 of such program in meeting the purposes and poli-  
2 cics of this Act;

3 “(2) make recommendations to the head of the  
4 Federal agency that administers the grant or assist-  
5 ance program to further the consistency of the pro-  
6 gram with the purposes and policies of this Act and  
7 to improve the effectiveness of the grant or assist-  
8 ance program in carrying out those purposes and  
9 policies; and

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

