

Introduction

This fourth version of *Federal Historic Preservation Laws* contains 24 Federal laws and portions of laws that pertain to the preservation of the Nation's cultural heritage. These laws developed over the course of the 20th century, beginning with the protection of cultural sites on Federal lands. Today, many aspects of the nation's cultural heritage are recognized, protected, and interpreted in national parks, other public lands, and communities across the nation.

Arranged chronologically, the laws trace the evolution of historic preservation philosophy and programs. The 20th century saw the establishment of the National Park Service and its development as the Federal government's lead organization for preserving the Nation's cultural heritage. From its creation in 1916, the National Park Service assumed responsibility for the many historical and cultural units of the National Park System. The scope of the National Park Service also grew through preservation responsibilities outside of park boundaries. Starting in 1935 with the Historic Sites Act, the National Park Service initiated the national survey and documentation of important examples of historic and archeologic sites, buildings, and objects throughout the United States.

Passage of the National Historic Preservation Act in 1966, and its subsequent major amendments in 1980 and 1992, expanded preservation benefits to communities nationwide and to American Indian tribes and other cultural groups. The National Historic Preservation Act devolves a wide range of responsibilities for historic preservation work to the National Park Service and its partners in other Federal agencies, Tribal Preservation Offices, State Historic Preservation Offices, Certified Local Governments, and private organizations, including the National Trust for Historic Preservation. Together these make up the national historic preservation partnership. Amendments to the Internal Revenue Code provided important incentives for preserving historic resources, which is another program that the National Park Service administers, in cooperation with the Internal Revenue Service.

Federal laws also recognize that many Federal agencies' work affects historic properties through their outright ownership of historic and prehistoric properties, such as the General Services Administration, and through the impact of their sponsored development and other actions, such as the Department of Transportation. Established by the National Historic Preservation Act, the Advisory Council on Historic Preservation develops procedures that facilitate Federal agency compliance work. Other Federal agencies fund historic preservation through their regular grant programs, such as the Department of Transportation's

transportation enhancements programs. Additional Federal laws address specific types of historic and cultural resources, including abandoned shipwrecks, Native American cultural items, and battlefields on American soil.

The national historic preservation program operates within a broader universe of State historic preservation laws and local government ordinances and review processes. For example, State historic preservation tax incentives may address historic properties not covered by the Federal Historic Preservation Tax Incentives Program. In many ways, government preservation programs at all levels complement one another and provide a broad range of benefits and incentives that communities and individuals may draw upon in ways that are most appropriate for various situations.

This publication was prepared by the cultural resources programs of the National Park Service. It was compiled and edited by Antoinette Lee and John Renaud. Michele Aubrey, Michael Auer, Stan Bond, Ann Hitchcock, Frank McManamon, Bryan Mitchell, Pat Tiller, and Richard Waldbauer suggested materials for this volume. Marcia Axtmann Smith designed the publication. This publication was produced under a cooperative agreement between the National Park Service and the National Conference of State Historic Preservation Officers.

Selection, Presentation, and Currency

This publication presents each of the Federal statutes in the format of the Act, as amended, through December 2001. Selected laws, including the National Historic Preservation Act of 1966 and the American Battlefield Protection Act of 1996, were updated to December 2004. For each of the statutes, this publication provides annotations by subject matter and United States Code citation.

Because of the variety and number of Federal statutes that contain some historic preservation component, this publication focuses on those statutes that are of key importance to historic preservation and cultural resources work. For many of the statutes in this publication, only the most pertinent sections are included.

Official versions of all laws, regulations, executive orders, and standards are published in the Code of Federal Regulations, the United States Code, or the Federal Register. All three are available online through the Superintendent of Documents, Government Printing Office, www.access.gpo.gov.

The appendix to this publication contains Internet addresses for related Federal regulations and relevant executive orders.

Statutory law as a whole (and often individual laws) is not consistent in the use of "archeology" and "archaeology." This publication follows the usage in each law rather than impose a consistency that does not exist.

For questions regarding the implementation or interpretation of the statutes in this publication, contact Cultural Resources, National Park Service, 1849 C Street NW, Washington, DC 20240-0001, or the relevant Federal agency.

