

## **SUMMARY OF KEY FEDERAL CULTURAL RESOURCES PROTECTION LAWS**

(From Native American Heritage Commission Website <http://www.nahc.ca.gov>, 9/16/00)

### **Antiquities Act of 1906**

An act for the preservation of American antiquities. Authorizes the President to designate as National Monuments those areas of the public domain containing historic landmarks, historic and prehistoric structures, and objects of historic or scientific interests located on federally owned or controlled lands. The act further provides criminal sanctions for the unauthorized excavation, injury, or destruction of prehistoric or historic ruins and objects of antiquity. The Secretaries of the Interior, Agriculture, and Defense are authorized to issue permits for archaeological investigations on lands under their control to recognized educational and scientific institutions for the purpose of systematically and professionally gathering data of scientific value.

### **National Historic Preservation Act of 1966**

An act to establish a program for the preservation of additional historic properties throughout the nation. Authorizes the Secretary of the Interior to maintain a National Register of Historic Places; directs the Secretary to approve state historic preservation programs that provide for a State Historic Preservation Officer with adequate qualified professional staff, a state historic preservation review board, and public participation in the state program; authorizes a matching grants-in-aid program to the states; directs federal agencies to take into account the effects of their activities and programs on historic properties; establishes the Advisory Council on Historic Preservation to advise the President, Congress, and federal agencies on historic preservation matters; gives the Advisory Council the authority to issue regulations instructing federal agencies on how to implement Section 106 of the act; establishes the Certified Local Government program; establishes a National Historic Preservation Fund program; and codifies the National Historic Landmarks program.

### **National Environmental Policy Act of 1969**

Declares that it is the policy of the federal government to preserve important historic, cultural, and natural aspects of the Nation's heritage. The act further requires an interdisciplinary study of the impacts associated with federal program. Federal agencies must prepare environmental impact statements prior to making decisions about projects that may significantly affect the quality of the human environment.

### **Native American Religious Freedom Act of 1978**

An act setting forth a policy of protecting and preserving the rights of Native Americans to Freedom of Religion. Makes it a policy of the federal government to protect and preserve for American Indians, Eskimos, Aleuts, and Native Hawaiians their inherent rights of freedom to believe, express, and exercise their traditional religions. It allows them access to sites, use and possession of sacred objects, and the freedom to worship through ceremonial and traditional rites.

### **Archaeological Resources Protection Act of 1979**

An act to amend the Antiquities Act of 1906. Regulates the taking of archaeological resources on federal lands by setting a broad policy that archaeological resources are important for the nation and

should be protected. The act further establishes a requirement for the excavation or removal of archaeological resources from public or Indian lands with special permits. Violations of the law include civil and criminal penalties of fines and imprisonment.

### **Native American Graves Protection and Repatriation Act of 1990**

An act to provide for the protection of Native American graves. Requires federal agencies and recipients of federal funds, such as universities, museums, and governmental agencies, to document Native American human remains and cultural items within their collection, to notify all Indian tribes and Native Hawaiian organizations that are or are likely to be affiliated with these holdings, and to provide an opportunity for the repatriation of appropriate human remains or cultural items. Cultural items include associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony.