

As you may have heard, the National Historic Preservation Act (NHPA) has a new home in the United States Code (U.S. Code), the official compilation of federal statutes. While the NHPA was previously codified at title 16 of the U.S. Code, effective December 19, 2014 it was moved to title 54. Please find the law codifying the NHPA in title 54, attached. The provisions of the newly codified NHPA may be found starting at section 300101.

This recodification was carried out as part of a larger effort to better organize all the statutes related to the National Park Service, which, as you know, plays a key role in the NHPA due to its duties connected to the National Register of Historic Places and the State and Tribal historic preservation offices, among others. The recodification also resulted in the removal of obsolete provisions, changes to the location of some sections and subsections so they are better grouped thematically, and the correction of technical errors. However, none of the changes are substantive. The requirements and programs under the NHPA remain the same. They are simply better organized and located in a new title of the U.S. Code.

In the coming weeks, you will notice that the Advisory Council on Historic Preservation (ACHP) new official documents and website entries will start using the new U.S. Code citations for the NHPA. The ACHP expects stakeholders to transition to usage of the new U.S. Code citations to the NHPA as soon as they are reasonably able. However, please note that the law that moved the NHPA to title 54 specifies that a reference to an old title 16 provision (e.g., 16 U.S.C. § 470f, for Section 106 of the NHPA) is legally deemed to refer to the corresponding provision in the new title 54. So, you do not need to be concerned if it takes some time to make such citation changes in future NHPA correspondence with the ACHP or within Section 106 agreement documents. No amendments to past NHPA correspondence or existing Section 106 agreements will be needed or expected.

The regulations implementing Section 106 of the NHPA, at 36 CFR part 800, are not affected by this recodification, so you can continue referencing those regulations as you have before.

The ACHP intends to continue referring to Section 106 of the NHPA as “Section 106” since that refers to the section in the original public law that enacted the NHPA, as opposed to its legal citation on the U.S. Code. It is also a reference that has been in constant use for almost 50 years.

Finally, for your convenience, here are some of the more frequently used, old citations to the NHPA and their corresponding citations in the new title 54:

Name	Old NHPA (title 16)	New NHPA (new title 54)
NHPA in general	16 U.S.C. § 470 et seq.	54 U.S.C. § 300101 et seq.
Section 106	16 U.S.C. § 470f	54 U.S.C. § 306108
Section 110(a)	16 U.S.C. § 470h-2(a)	54 U.S.C. §§ 306101(a) and 306102
Section 110(f)	16 U.S.C. § 470h-2(f)	54 U.S.C. § 306107
Section 110(k)	16 U.S.C. § 470h-2(k)	54 U.S.C. § 306113
Section 110(l)	16 U.S.C. § 470h-2(l)	54 U.S.C. § 306114
Section 111	16 U.S.C. § 470h-3	54 U.S.C. §§ 306121 and 306122

If you have any questions, please contact Javier Marques, Associate General Counsel, at jmarques@achp.gov.