



Preserving America's Heritage

Advisory Guidelines Implementing Executive Order 13287, “Preserve America”

Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties

August 2007

TABLE OF CONTENTS

LIST OF ACRONYMS 3

INTRODUCTION 4

 Background 4

 Previous Reporting..... 5

 Framework for Future ACHP Section 3 Reporting 5

 Who Must Report..... 7

 Structure and Submittal Guidelines 7

 Additional Information Contact..... 8

ACHP GOALS OF SECTION 3 REPORTING/GUIDANCE 9

HOW TO USE THESE ADVISORY GUIDELINES 10

RECOMMENDED QUESTIONS TO ANSWER IN SECTION 3 PROGRESS

 REPORTS 13

 Identification 13

 Protection 17

 Use 20

DEFINITIONS..... 24

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LIST OF ACRONYMS

| | |
|--------|---|
| ACHP | Advisory Council on Historic Preservation |
| AMP | Asset Management Plan |
| ATDA | Accountability of Tax Dollars Act of 2002 |
| CFO | Chief Financial Officer |
| CFR | Code of Federal Regulation |
| EO | Executive Order |
| FASAB | Federal Accounting Standards Advisory Board |
| FRPC | Federal Real Property Council |
| GSA | General Services Administration |
| GMRA | Government Management Reform Act of 1994 |
| NHPA | National Historic Preservation Act of 1966 as amended |
| NPS | National Park Service |
| OMB | Office of Management and Budget |
| RSI | Required Supplementary Information |
| SFFAS | Statement of Federal Financial Accounting Standards |
| U.S.C. | United States Code |

INTRODUCTION

The Advisory Council on Historic Preservation ([ACHP](#)) is issuing revised advisory guidelines intended to assist federal agencies with real property management responsibilities in preparing the progress report outlined in Executive Order 13287, “Preserve America,” ([EO 13287](#)) Section 3. Federal agencies are encouraged to consider these advisory guidelines when preparing Section 3 reports to ensure that adequate, complete, and useful information is submitted to the [ACHP](#). The use of these guidelines is not mandatory, and a federal agency with real property management responsibilities can, at its discretion, determine how it will report on the progress of its efforts to identify, protect, and use its historic properties. The [ACHP](#) will use this information to prepare its report for the president on the state of the federal government’s historic properties, and their contribution to local economic development, as required by [EO 13287](#), Section 3. This information will also allow the [ACHP](#) to continue its dialogue with federal agencies on how it can assist them in meeting stewardship responsibilities for historic properties while maintaining agency missions.

Background

On March 3, 2003, President George W. Bush signed [EO 13287](#) to reaffirm the administration’s commitment to the federal stewardship of historic properties, and to promote intergovernmental cooperation and partnerships for the preservation and use of historic properties. [EO 13287](#) formalized [Preserve America](#) as an administration initiative intended to support the efforts of local communities to preserve and maintain our nation’s cultural and natural heritage.

The [Executive Order](#) includes a number of actions that are intended to encourage better accountability for the use of federally owned historic properties. Section 3, *Improving Federal Agency Planning and Accountability*, states “accurate information on the state of federally-owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships” (Section 3(a)). Under Section 3(c), each federal agency with real property management responsibilities is required to submit reports on its “progress in identifying, protecting, and using historic properties in its ownership” on September 30, 2005, and every third year after. The Section 3(c) further requires that the [ACHP](#) “incorporate this data into a report on the state of the federal government’s historic properties and their contribution to local economic development and submit this report to the president by February 15, 2006, and every third year thereafter”.

Since the passage of the National Historic Preservation Act of 1966 ([NHPA](#)), agencies have been required to develop historic preservation programs and policies to ensure sound management and protection of historic properties under federal ownership and control. Not only did [NHPA](#) require federal agencies to establish a leadership role in historic preservation, it also promoted the sound stewardship of federally owned and controlled historic properties so that they would become a part of the community, based on cultural, educational, aesthetic, inspirational, economic, and energy value. Further,

[NHPA](#) encouraged public and private partnerships to foster broad-based support for the reuse and preservation of historic properties, whether federally or privately owned.

[EO 13287](#) supports this national policy by encouraging the efficient management and continued viable use of historic properties, many of which remain vacant, underused, functionally obsolete, and occasionally incompatible with agencies' changing missions in the 21st century. The development of Section 3 progress reports provide agencies the opportunity to review their historic preservation programs, as mandated by [NHPA](#), and report on their progress to the [ACHP](#). The information collected from these reports will assist the [ACHP](#) in its strategic goal to "improve the effectiveness, coordination, and consistency of the federal preservation program" ([ACHP Six-Year Strategic Plan, 2006-2012](#)).

Previous Reporting

In 2004, agencies with federal real property management responsibilities conducted an internal review of their regulations, policies, and operating procedures designed to satisfy the regulations of Sections 110 ([16 U.S.C. § 470h-2](#)) and 111 ([16 U.S.C. § 470h-3](#)) of the [NHPA](#) and presented this review to the [ACHP](#). The 2004 reports served as a baseline, presenting the basic framework of each agency's preservation program in response to Section 3(a) and (b) of [EO 13287](#). In 2005, agencies submitted the first round of progress reports under Section 3(c) to the [ACHP](#) and the Secretary of the Interior, outlining the status of their preservation programs, and documenting any changes in the year since the baseline reports.

Based upon the 2004 and 2005 reports, the [ACHP](#) developed and submitted [The Preserve America Executive Order Report to the President](#) in February 2006. The report summarized federal real property management as "improving but in need of greater agency commitment and more oversight by the administration." A list of those agencies submitting Section 3 reports for 2004/2005 can be found in Appendix D of [The Preserve America Executive Order Report to the President](#).

Framework for Future ACHP Section 3 Reporting

As a follow-up to its 2006 report to the president, the [ACHP](#) hosted a [meeting of Senior Policy Officials](#) to discuss four thematic areas the ACHP identified where agencies continue to face challenges in the stewardship of their historic properties. These thematic areas are intended to focus future Section 3 reporting and guidance as federal agencies work to improve the identification, protection, and use of historic properties.

- **Enhancing and Improving Inventories of Historic Properties**

An accurate, comprehensive inventory and evaluation of an agency's historic properties allows a greater understanding of the value and management requirements of their historic properties. In turn, this inventory provides the necessary foundation for the other three thematic areas outlined below.

Federal agencies are working hard to improve their inventory of real property. As noted in the [ACHP's *The Preserve America Executive Order Report to the President*](#), agencies have made significant progress in reporting on their historic properties as assets in real property management portfolios and in identifying opportunities to integrate varying federal reporting requirements, such as the [Federal Real Property Profile](#) pursuant to Executive Order 13327: Federal Real Property Asset Management ([EO 13327](#)). However, agencies continue to face a variety of challenges in ensuring that their efforts to inventory historic properties contribute to the broader goals of states, tribes, and local governments in developing a comprehensive national inventory.

- **Integrating Stewardship into Agency Planning**

The inclusion of historic property management needs within an agency's strategic plans can significantly support the stewardship goals as outlined in the [NHPA](#).

Agencies have made significant progress in identifying, protecting, and using historic properties under their control. However, many agencies have struggled to incorporate the stewardship of historic properties as a component of their strategic plans. Consideration of federal historic properties in strategic plans would focus attention on the values and issues associated with historic properties at the earliest possible point in the implementation of agency missions.

- **Building Partnerships**

Public-private partnerships, consistent with agency missions, for the protection and use of federally-owned historic properties, can be effective in promoting local economic development, including heritage tourism.

While many agencies have pursued and developed effective relationships with states, tribes, local communities, and private entities and organizations, significant impediments in the development of these relationships still exist. Incorporating partners into the stewardship of federal historic properties is a key component in [EO 13287](#) and should result in enhanced use and protection.

- **Managing Assets**

The establishment of procedures to ensure the protection of historic properties that are excess to an agency's mission will allow that agency to fully comply with [NHPA](#), specifically Section 111 ([16 U.S.C. § 470h-3](#)).

Agencies lack useful business models to demonstrate the economic value of historic properties in an agency's portfolio and benefit from the use of such models, even for properties that should not or will not be managed solely for their economic value.

Who Must Report

All federal agencies with real property management responsibilities are required to submit Section 3 reports on progress in the identification, protection, and use of historic properties in federal ownership. Agencies are not required to report on properties (1) acquired as result of foreclosure or similar action and that are held for a period of less than five years; (2) that they lease but do not own or manage; or (3) located outside of the United States.

Structure and Submittal Guidelines

Federal agencies are not required to structure their Section 3 progress report in response to these questions. These advisory guidelines are for a federal agency's consideration only and allow agencies to use these advisory guidelines in conjunction with established agency reporting formats. Should an agency choose to format their report in response to these questions, that agency may choose to answer questions singularly or through a combined response to multiple questions as they see fit.

Section 3 reports can be submitted by an agency's Senior Policy Official to the chairman of the [ACHP](#) and the Secretary of the Interior. Please submit two hard copies, including an electronic copy as a PDF file or a Microsoft Word or WordPerfect document with graphics meeting a 500 DPI minimum, no later than September 30, 2008 to the following address:

Chairman John L. Nau, III
Advisory Council on Historic Preservation
ATTN: Section 3 Progress Report
1100 Pennsylvania Avenue, NW
Room 803
Washington, DC 20004-2501

The [ACHP](#) will make Section 3 reports available on its Web site. Departments and agencies with security concerns may submit an executive summary to post on the [ACHP](#) Web site in lieu of the entire progress report. In this situation a full report must still be submitted to the [ACHP](#) for review.

Agencies are encouraged to include with their report data, case studies, best practices, and Web sites that explain their responses. When submitting these examples please clarify the role of state and local governments, tribes, civic or community organizations, and the private sector as appropriate. If various funding sources were used to establish a partnership, agencies are encouraged to identify the sources of public and private funding.

Additional Information Contact

This guidance is intended to provide the framework for future Section 3 reports, until and unless the [ACHP](#) determines that it should be updated. For more information about this guidance, or about Section 3 of [EO 13287](#), please address your inquiries to:

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ACHP GOALS OF SECTION 3 REPORTING/GUIDANCE

Section 3(c) of [EO 13287](#) requires the [ACHP](#) to prepare a report to the president by February 2006, and every third year thereafter, on the state of the federal government's historic properties and their contribution to local economic development. As such, the [ACHP](#) has developed several goals for the content of its report to the president. Through their submission of Section 3 progress reports, federal agencies can play a key role in assisting the [ACHP](#) in fulfilling these goals.

- **Federal agencies can use Section 3 progress reports to assess the effectiveness of and improve their preservation programs in conjunction with existing reporting requirements, both internally and externally.**
- **The process of gathering information, analyzing data, and developing the Section 3 progress reports can assist the [ACHP](#) and federal agencies in evaluating agency efforts to incorporate the identification, protection, and use of historic properties into overall agency strategic planning and asset management.**
- **Consistent Section 3 progress reporting by federal agencies will allow the [ACHP](#) to analyze and report the status of federal preservation programs to the president.**

HOW TO USE THESE ADVISORY GUIDELINES

[EO 13287](#) is not the only federal requirement for agencies to report on the status of their historic preservation programs. It is, however, one of the only federal reporting requirements that requires an agency to assess historic properties as a whole and not simply by individual property type. [EO 13327](#) directs the establishment of a Federal Real Property Council ([FRPC](#)) and a single, comprehensive and descriptive database of all real property under the custody and control of all executive branch agencies (now called the [Federal Real Property Profile](#)), the [FRPC](#) has issued guidance which requires that historic status of each federal real property asset (owned and leased by the federal government) be reported annually; identifying the number of field studies undertaken to identify and evaluate archaeological sites within each year ([Report to Congress on the Federal Archaeology Program](#)); and addressing the role that heritage assets play in an agency's mission (Statement of Federal Financial Accounting Standards 29: Heritage Assets and Stewardship Lands ([SFFAS 29](#))). [EO 13287](#) allows federal agencies to use information provided in other reports to demonstrate its progress in identifying, protecting, and using historic properties.

- **Executive Order 13327, Federal Real Property Asset Management**

Data and information provided by federal agencies under [EO 13327](#) is useful in demonstrating an agency's progress in identifying historic properties (specifically buildings and structures) within its ownership ([Federal Real Property Profile](#)) and in meeting its [Section 110](#) responsibilities under [NHPA](#), as well as how historic properties are incorporated into the agency's asset management plan submitted to the [Office of Management and Budget](#) ([EO 13327](#), Section 3(b)).

- **Report to Congress on the Federal Archaeology Program**

The data submitted to the [Department of the Interior, National Park Service](#), Departmental Consulting Archaeologist for the [Report to Congress on the Federal Archaeology Program](#) focuses on archaeological sites including, but not limited to, the number of archaeological sites an agency has identified and evaluated for the [National Register of Historic Places](#), the partnerships an agency has utilized, and the number of archaeological sites that have been protected. This is the only federal reporting requirement instructing agencies to evaluate the inventory of archaeological sites on their federally controlled lands.

- **Statement of Federal Financial Accounting Standards 29: Heritage Assets and Stewardship Lands**

The data submitted to the [Office of Management and Budget](#) for [SFFAS 29](#) specifically identifies how heritage assets relate to agency missions when reporting basic information of heritage assets. Though historic properties are not always identified as heritage assets, the information developed by an agency could offer insight into its historic preservation program as a whole.

- **Government Performance and Results Act of 1993**

An agency's five-year strategic plan, as required by [5 U.S.C. § 306](#), and the annual performance plan, as required by [31 U.S.C. § 1115](#), as amended by the [Government Performance and Results Act of 1993](#) (Section 3) is beneficial in understanding how historic property identification, protection, and use is integrated into agency planning and the management of historic properties.

It became clear in preparing the 2006 [The Preserve America Executive Order Report to the President](#) that federal agencies use different terminology for referring to various properties. [EO 13287](#), Section 7 defines "historic property" as any prehistoric or historic district, site, building, structure, and object included on or eligible for inclusion on the [National Register of Historic Places](#) in accordance with Section 301(5) of the [NHPA](#) ([16 U.S.C. 470w\(5\)](#)). However, agencies with federal real property management responsibilities must also comply with other requirements that relate to historic properties and which require an agency to report on other resource categories. For example, [EO 13327](#), which applies to real property holdings, requires federal agencies to assign one of six "historical status" codes to such properties. These real property "historical status" codes directly correlate to the "historic properties" definition of [EO 13287](#). The Federal Accounting Standards Advisory Board's ([FASAB](#)) [SFFAS 29](#) uses the term "Heritage Assets." Under [SFFAS 29](#), each agency must establish a concise description of each major category of heritage asset, based on its mission (paragraph 25.c). Therefore, "heritage assets" under [SFFAS 29](#) may or may not correlate to "historic properties" as defined in [EO 13287](#).

In order to ensure consistency in terminology between these advisory guidelines and other federal reporting requirements, specific terminology derived from these other reporting requirements has been defined and incorporated into these guidelines. For definitions of the terminology used in these advisory guidelines please consult the [Definitions](#) section. If a federal agency finds any internal variations to those definitions used in these advisory guidelines, it is recommended that in preparing a Section 3 progress report the federal agency indicates those variations for the [ACHP](#) to understand the context of that term used by the federal agency.

| Reporting Requirement | Purpose | Submitted to | Who should report | Due Date |
|---|--|----------------------------------|--|--|
| EO 13327: Federal Real Property Profile | This report is intended to promote efficient and economical use of real property resources, increase agency accountability and management attention to real property reform, and establish clear real property goals and objectives. | GSA | Agencies listed in 901(b)(1) and (b)(2) title 31 ; Department of Homeland Security | Annually, on December 15 |
| EO 13327: Asset Management Plan | Each agency will draft an Asset Management Plan (AMP) that addresses, at a minimum, the Federal Real Property Council Guiding Principles and the AMP required components. | OMB | Agencies listed in 901(b)(1) and (b)(2) title 31 ; Department of Homeland Security | Annually, dependent upon the quarter OMB approved previous AMP |
| SFFAS 29 (Heritage Assets) | Disclosure requirements applicable to agency financial statements and the U.S. Government-wide Financial Statement for heritage assets and stewardship land information reclassified as basic information with the exception of condition reporting, which is considered required supplementary information (RSI). | Congress/ OMB | All federal agencies required to prepare audited financial statements under the CFO Act , GMRA , and the ATDA | Annually, 45 days after the end of the fiscal year |
| The Report to Congress on the Federal Archaeology Program | To report on federal archaeological activities, in order to offer assistance with professional methods for archaeological preservation and for the administration of historic preservation programs. | NPS | All federal agencies and departments that undertake, contract for, issue permits and licenses, or that require archaeological investigations of other parties. | Annually, on May 1 |
| EO 13287: Section 3(c) Progress Reporting | Prepare a report on an agency's progress in identifying, protecting, and using historic properties in its ownership and make the report available to the ACHP and the Secretary of the Interior | ACHP | All federal agencies with real property management responsibilities | Triennial, beginning September 2005 |

RECOMMENDED QUESTIONS TO ANSWER IN SECTION 3 PROGRESS REPORTS

Identification

“Each Federal agency shall establish (unless exempted pursuant to [Section 214](#) of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the [National Register of Historic Places](#), and protection of historic properties. Such program shall ensure...that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the [National Register](#).”
--[NHPA](#), Section 110 ([16 U.S.C. § 470h-2\(a\)\(2\)\(A\)](#))

Agencies that own or control historic properties are responsible for the identification, evaluation, nomination, protection, and use of historic properties under their ownership consistent with Section 110 ([16 U.S.C. § 470h-2](#)) of [NHPA](#) and Section 3(c) of [EO 13287](#). Agencies may use their preservation programs to improve their inventory of historic properties. An agency’s preservation program may meet these responsibilities in coordination with its real property-based record keeping program and through other systems developed to comply with government-wide auditing or accounting requirements.

Collections, a historic property type significant when associated with a district, site, building, structure, and/or object, are not consistently reported on by federal agencies. The [ACHP](#) encourages federal agencies that are actively identifying collections within their inventory to provide evidence of their progress in identifying, protecting, and using these collections through this report. Federal agencies are also encouraged to include information concerning heritage assets, as defined by their agency per [SFFAS 29](#) to the extent they are compatible with Section 3 progress reporting.

1. Building upon previous Section 3 reports, please explain how many historic properties have been identified and evaluated by your agency in the past three years? Has your inventory improved? Please explain.

In addressing this question, agencies are encouraged to evaluate their progress in identifying and evaluating historic properties. If your agency does not report under the requirements referenced in the sub questions, but wishes to provide similar information, please offer an explanation as to how the information reported was gathered and validated by your agency.

In preparing your response, consider the following subset of questions:

- What is the total number of historic properties within your inventory? What is the total number of those historic properties that have been identified or evaluated as a “National Historic Landmark,” “National Register Listed,” or “National Register Eligible” for each of the past three years? How have these numbers increased in each of the last three years?
- Within your inventory, what is the total number of cultural resources that have not been evaluated for eligibility to the [National Register of Historic Places](#)? How have these numbers changed in each of the last three years?
- What is the total number of your agency’s property, plant, and equipment that have been identified as heritage assets for each of the past three years? How have these numbers changed in each of the last three years in your agency’s Required Supplementary Information?

2. Describe your agency policies that promote and/or influence the identification and evaluation of historic properties.

Agencies use a variety of policies for the identification and evaluation of historic properties. In consideration of this question, federal agencies are encouraged to discuss efforts undertaken to develop their own policies, procedures, and protocols for the identification and evaluation of historic properties. Agencies are also encouraged to demonstrate how these policies have been incorporated into their strategic plans.

In preparing your response, consider the following subset of questions:

- How does the identification of historic properties and heritage assets relate to your agency’s mission?
- What is your agency’s policy for the stewardship of historic properties and heritage assets?
- What are the definitions of the major categories your agency uses to classify heritage assets?
- How does your agency define real property?
- Describe your agency’s policy on the evaluation and nomination of historic properties to the [National Register of Historic Places](#).

3. How has your agency established goals for the identification and evaluation of historic properties including whether they have been met?

In preparing your response, consider the following subset of questions:

- Has your agency established performance measures (such as benchmarks) for measuring progress in the identification of historic properties?
- If your agency has established benchmarks, how have they benefited your agency?
- If your agency has not established benchmarks, how does your agency measure progress?

4. Describe any internal reporting requirements your agency may have for the identification and evaluation of historic properties, including collections (museum and archaeological).

Many federal agencies have developed their own reporting practices for the identification of historic properties. For example, there are currently no federal reporting requirements for data collection for historic districts and collections; however, some agencies may have an internal policy to track this information as part of their personal and real property holdings.

5. Explain how your agency has employed the use of partnerships to assist in the identification and evaluation of historic properties.

Agencies frequently work with, but are not limited to, State Historic Preservation Offices, Tribal Historic Preservation Offices, and certified local governments for the identification, evaluation, and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the identification and evaluation of historic properties?
- How have partnerships benefited your agency?

6. Provide specific examples of major challenges, successes, and or opportunities your agency has experienced in identifying historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to improve inventory of historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available.

Protection

“Each Federal agency shall establish (unless exempted pursuant to [Section 214](#) of this Act), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the [National Register of Historic Places](#), and protection of historic properties. Such program shall ensure...that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the [National Register](#) are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with [section 106](#) of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance.”

--[NHPA](#), Section 110 ([16 U.S.C. § 470h-2\(a\)\(2\)\(B\)](#))

Agencies are encouraged to utilize a broad array of strategies for the protection of historic properties. Often the most effective form of protection is to ensure the active use of a historic property. Local governments and organizations can be effective partners for developing plans to protect and use historic properties that are considered surplus to an agency's mission.

7. Explain how your agency has protected historic properties.

The protection of federal historic properties is the cornerstone of the advancement of [EO 13287](#). When a federal agency protects a historic property it provides leadership in stewardship and the contemporary use of the property as applicable.

In preparing your response, consider the following subset of questions:

- How has your agency protected, stabilized, rehabilitated, or monitored historic properties?
- What other forms of protection has your agency provided for historic properties?

8. Describe your agency policies that promote and/or influence the protection of historic properties.

There are several federal agencies that are actively protecting their inventory of historic real property. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome.

In preparing your response, consider the following subset of questions:

- How is this policy incorporated into your agency's strategic plan?
- Does your agency have an asset management plan? If not, why? If yes, what planning and management requirements do historic real properties have in your agency's asset management plan?
- Has your agency entered into any management contracts with other parties to protect your historic properties, including monitoring, repair, stabilization, and rehabilitation? If yes, have these been effective? What are the advantages and disadvantages of these contracts?
- What types of performance criteria must be met in the stewardship and capital planning for the use of historic properties?
- Does your agency utilize a deferred maintenance program for protection of historic properties?

9. Explain how your agency has employed the use of partnerships to assist in the protection of historic properties.

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations for the protection and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities for public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the protection of historic properties?
- How have partnerships benefited your agency?
- How successful has your agency been in developing partnership agreements (e.g. cooperative, cost-share, interagency, research) for the protection of historic properties?

10. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in protecting historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to improve protection of historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available.

Use

“Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 ([61 Fed. Reg. 26071](#)).”
--[NHPA](#) Section 110 ([16 U.S.C. § 470h-2\(a\)\(1\)](#))

As stewards of historic properties, federal agencies are expected to manage these properties in a manner that advances the agency’s asset management goals and maximizes the protection of the property. [EO 13287](#) Section 4(a) instructs federal agencies to consider historic properties as federal assets that support an agency’s mission and contribute to the local economy. The balance of public benefit and access to historic properties is often complicated by an agency’s security measures, adding another layer of complexity in the everyday management and use of historic properties. However, federal agencies are consistently developing management plans that allow historic properties to be important assets as well as creative ways to make secure historic properties accessible to the public.

11. Explain how your agency has used historic properties.

Section 4(a) of [EO 13287](#) states federal agencies will ensure the long-term preservation and use of federal historic properties as assets and, if possible, to contribute to local economies and communities through proper management. And when consistent with agency missions, federal agencies are to use historic properties to foster heritage tourism partnerships with state, tribal, and local tourism programs (Section 5(b) of [EO 13287](#)).

In preparing your response, consider the following subset of questions:

- What is the total number of your agency’s historic properties with an assigned mission and/or purpose?
- In what ways has your agency used technologies and/or media, including the Internet, to promote heritage tourism as a use of historic properties?
- If there are no legal restrictions, how has your agency developed or improved procedures for supporting local economic development and heritage tourism for the use of historic properties?

12. Explain the overall condition of the historic properties within your agency's control.

The condition of an asset can have a direct link to its status as viable to an agency's mission. Proper understanding of a historic property's condition is more complex due to the additional management and treatment requirements. Federal agencies should ensure that historic properties have a contemporary use to meet mission needs.

In preparing your response, consider the following subset of questions:

- What efforts has your agency undertaken to improve the condition of historic properties?
- Discuss how the condition of your historic properties affects your agency's ability to use them in support of its mission.

13. Describe your agency policies that promote and/or influence the use of its historic properties.

There are several federal agencies that are actively using their inventory of historic real property for supporting local economies and heritage tourism purposes. If you are such an agency, please consider providing additional information on how your agency is accomplishing this task and any successful programs that might benefit other federal agencies. This should include security and/or restricted access limitations your agency has overcome to support local economies and heritage tourism programs.

In preparing your response, consider the following subset of questions:

- Have you incorporated these policies into your agency's strategic plan?
- Does your agency have an asset management plan? If not, why? If yes, explain how this plan accounts for the management of historic properties.
- What policies does your agency have to involve stakeholders in its resource management and planning efforts to identify opportunities for the use of its assets in economic development and heritage tourism?
- Does your agency have protocols for its managers to identify historic properties that are available for transfer, lease, or sale? What criteria are considered when recommending such actions?
- When negotiating leases, how does your agency budget for the use of lease proceeds in the rehabilitation and maintenance of historic properties?

14. Explain how your agency has used Section 111 ([16 U.S.C. § 470h-3](#)) of [NHPA](#) in the protection of historic properties.

As stated in [NHPA](#), Section 111 ([16 U.S.C. § 470h-3](#)) authorities can be used in one of three ways: lease or exchange federal historic properties when the assets are not needed for current or future agency purposes; use the proceeds from any lease of historic properties to be used in the operations and maintenance of other agency historic properties; or contract the management of agency historic properties to an outside entity. All three authorities ensure long-term protection of federal historic properties.

In preparing your response, consider the following subset of questions:

- Does your agency utilize Section 111 ([16 U.S.C. § 470h-3](#)) authorities in the management of historic properties? If yes, provide examples how your agency has used this authorization.
- If your agency has not used Section 111 ([16 U.S.C. § 470h-3](#)) authorities explain why and any impediments for using this authority.
- Does your agency adhere to any other federal regulations or authorities in lieu of Section 111 ([16 U.S.C. § 470h-3](#)) of [NHPA](#) when transferring or disposing of its historic properties (e.g., [36 CFR § 18](#), Public Building Cooperative Use Act, or regulations developed for use by specific agencies)?

15. Explain how your agency has employed the use of partnerships to assist in the use of historic properties.

Agencies frequently work with State Historic Preservation Offices, Tribal Historic Preservation Offices, certified local governments, and private entities and organizations, for the use and management of information about historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities to public-private initiatives and investment and report on their progress.

In preparing your response, consider the following subset of questions:

- Are there any legal restrictions that would preclude your agency from exploring partnerships for local economic development for the use of historic properties?
- How have partnerships benefited your agency?

16. Provide specific examples of major challenges, successes, and/or opportunities your agency has encountered in using historic properties over the past three years.

Agencies are encouraged to identify any challenges or impediments they have encountered in their efforts to use historic properties. Case studies that highlight, exemplify, or demonstrate challenges, successes, and/or opportunities your agency has experienced should include images if available.

DEFINITIONS

Agency means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include –

- (A) the Congress;
- (B) the courts of the United States;
- (C) the governments of the territories or possessions of the United States;
- (D) the government of the District of Columbia;

or except as to the requirements of [5 U.S.C. § 552](#)–

- (E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;
- (F) courts martial and military commissions;
- (G) military authority exercised in the field in time of war or in occupied territory; or
- (H) functions conferred by sections [1738](#), [1739](#), [1743](#), and [1744](#) of title 12; [chapter 2 of title 41](#); [subchapter II of chapter 471 of title 49](#); or sections [1884](#), [1891-1894](#), [1895-1902](#), and former section [1641\(b\)\(2\)](#), of title 50, appendix. ([NHPA](#) and [5 U.S.C. § 551](#))

Cultural resources are generally defined by federal agencies to mean the same thing as historic properties, although there is no consistent legal definition, and individual agencies and organizations use different emphases. Under [10 U.S.C. § 2684](#), which deals with [Department of Defense](#)'s responsibilities to manage “cultural resources,” such resources are defined to include properties included in or eligible for inclusion in the [National Register of Historic Places](#), cultural items defined by the [Native American Graves Protection and Repatriation Act](#), archaeological resources as defined by the [Archaeological Resources Protection Act](#), and archaeological artifact collections and associated records. The [National Park Service](#) lists archaeological resources, cultural landscapes, structures, museum objects, and ethnographic resources in its management guidance and definition of “cultural resources.” Use of the term “cultural resources” by other agencies may be confusing because arts agencies and cultural endowments may use it to refer to art, performance, music, and other forms of cultural expression. ([Caring for the Past, Managing for the Future](#), 2001, [ACHP](#))

Federal real property is any real property owned, leased, or otherwise managed by the federal government, both within and outside the United States, and improvements on federal lands. ([EO 13327](#))

Federally owned, and **in federal ownership**, do not include properties acquired by agencies as a result of foreclosure or similar actions and that are held for a period of less than five years. ([EO 13287](#))

Heritage asset are a federal agency's property, plant, and equipment that are unique for one or more of the following reasons:

- (1) historical or natural significance;
- (2) cultural, educational, or artistic (e.g., aesthetic) importance; or
- (3) significant architectural characteristics.

Heritage assets consist of

- (1) collection type heritage assets, such as objects gathered and maintained for exhibition, for example museum collections, art collections, and library collections; and
- (2) non-collection-type heritage assets, such as parks, memorials, monuments, and buildings. ([SFFAS 29](#))

Heritage tourism is the business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale's history, landscape (including trail systems), and culture. ([EO 13287](#))

Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource. ([NHPA](#))

State means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau. ([NHPA](#))

Preservation or ***historic preservation*** includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities. ([NHPA](#))