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**ACHP ADVICE TO THE PRESIDENT AND CONGRESS:
COMMENTING ON PENDING AND PROPOSED LEGISLATION
Office of Policy and Legislative Affairs**

The ACHP is an unusual entity within the federal government, comprised of both nonfederal and federal members, and has a broad range of duties and program authorities. One of the most important duties of the ACHP set forth in the National Historic Preservation Act is to “*advise the President and Congress on matters relating to historic preservation. . .*” (54 U.S.C. §304102). In fulfillment of this statutory charge, the ACHP periodically takes positions on pending and proposed legislation, and conveys its views to Congress for consideration.

Executive Branch procedures prescribe a strict process for the formulation of Administration positions on legislation, whether pending in the Congress or being advanced within the Administration for subsequent consideration by the Congress. Underlying these procedures is the principle that the Administration must speak with a single voice when dealing with the Legislative Branch. However, Congress wishes the ACHP to serve as an independent advisory voice on legislation, to provide a voice within the Administration that is not solely that of the federal establishment. Therefore, it has authorized the ACHP to submit its comments on bills directly to Congress without prior review by the Administration. The National Historic Preservation Act includes the following provision:

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of the recommendations, testimony, or comments to Congress. When the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of the actions in its legislative recommendations, testimony, or comments on legislation that it transmits to Congress. (54 U.S.C. § 304107)

With this authorization, ACHP members can provide comments to Congress that do not necessarily conform to the Administration’s views, provided there are sufficient votes to pass such a motion. If there is no stated Administration position on a bill, however, federal agencies generally are loathe to take a position and normally abstain from voting. The ACHP’s **Operating Procedures** (see briefing book, Vol. 1) permit a majority of members present and voting to adopt a formal position on legislation. This allows federal members to participate actively in discussions on a bill but by abstaining during voting, not block the ability of the remaining voting members to act on a motion. In the past, the chairman has agreed to note the outcome of such votes, including agency abstentions, in any comments to Congress on legislation.

In its history of doing so, the ACHP generally has avoided addressing legislation that pertains to a specific historic site. [Guidance](#) adopted by the ACHP in 2018 sets forth criteria for when it is appropriate to comment otherwise.



ACHP POLICY STATEMENTS

According to the ACHP's operating procedures, "policy and positions on legislative proposals shall be established by action of the Membership" (see briefing book, Vol. 1). From time to time the ACHP prepares and issues policy statements based on identified needs to help guide its own work, the actions of federal agencies, and others in meeting historic preservation requirements and the policy and program goals laid out in the National Historic Preservation Act and related authorities.

Such policy statements are usually developed through a task force or other working group of ACHP members, in cooperation with the ACHP staff. They are often informed by specific historic preservation cases, as well as site visits and other information gathering. Other federal and non-federal partners are invited to consult with the members and staff, and such policy statements may be published in the Federal Register or otherwise made available for public review and comment before being finalized.

Policy statements adopted in the past five years include the following:

- [ACHP Policy Statement on Indigenous Knowledge and Historic Preservation \(2024\)](#) The principles in this policy statement support the incorporation of the Indigenous Knowledge of Indian Tribes, Native Hawaiian organizations, and other Indigenous Peoples in historic preservation contexts.
- [ACHP Policy Statement on Housing and Historic Preservation \(2023\)](#) This policy statement promotes federal, state, and local action to rehabilitate historic buildings for housing and accelerate permitting and environmental review, including Section 106 review.
- [ACHP Policy Statement on Climate Change and Historic Preservation \(2023\)](#) This policy statement addresses how climate impacts affects historic properties, articulates principles the ACHP will integrate into Section 106 reviews involving climate issues, and advises public-serving institutions on how they may research, plan for, mitigate, and adapt to climate impacts on historic properties.
- [ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects \(2023\)](#) Intended to be incorporated into Section 106 reviews and state and local guidance, this policy statement emphasizes not disturbing burial sites when possible, consultation and deference to descendant communities, and continued educational efforts on protecting burial sites, human remains, and funerary objects.
- [ACHP Policy Statement on Promotion and Value of Traditional Trades Training \(2020\)](#) This policy statement discusses the need for and the benefits of expanded traditional trades training to expand the number of skilled craftspeople needed to restore historic buildings; suggests key principles to guide workforce development and training efforts; and offers recommendations for federal action.

Earlier policy statements that remain in force include the following:

- [ACHP Policy Statement on Controversial Commemorative Works \(2018\)](#)
- [ACHP Policy Statement on Historic Preservation and Community Revitalization \(2016\)](#)
- [ACHP Policy Statement Regarding Federal Relationships with Tribal Historic Preservation Officers \(2014\)](#)
- [ACHP Policy Statement: Archaeology, Heritage Tourism, and Education \(2008\)](#)
- [ACHP Policy Statement on the ACHP's Interaction with Native Hawaiian Organizations \(2008\)](#)
- [ACHP Policy Statement on Balancing Cultural and Natural Values on Federal Lands \(2002\)](#)
- [ACHP Policy Statement Regarding the Council's Relationships with Indian Tribes \(2000\)](#)



THE NATIONAL PRESERVATION PROGRAM 50th AND 60th ANNIVERSARIES

Preservationists marked the 50th anniversary of the National Historic Preservation Act (NHPA) in 2016 and took the opportunity to celebrate the accomplishments of the federal preservation program that was created by the NHPA. The ACHP was one of the official partners of a coalition effort known as Preservation50.

As part of its contribution to the Preservation50 initiative, the ACHP analyzed the federal preservation program established by the NHPA and developed recommendations for actions that would improve the program to address current and future needs. The resulting report is [*The National Historic Preservation Program at 50: Priorities and Recommendations for the Future*](#). An [executive summary](#) also is available.

The 60th anniversary of the NHPA will be 2026, the same year as the 250th anniversary of the founding of the United States. Recently issued [Executive Order \(EO\) 14189](#), *Celebrating America's 250th Birthday*, calls on all agencies to report to the White House Task Force on Celebrating America's 250th Birthday regarding planned semiquincentennial celebration activities. Among other activities, the ACHP reported that it is considering development of formal recommendations for enhancing the national historic preservation program, as has been done on the occasion of previous major anniversaries of the NHPA. The resulting policy advice would be shared with the President, Congress, the preservation community, and the public.

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