



**Advisory Guidelines Implementing
Executive Order 13287, “Preserve America”**

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

March 2020

INTRODUCTION

The Advisory Council on Historic Preservation (ACHP) is issuing updated advisory guidelines intended to assist federal agencies with real property management responsibilities in preparing the progress report outlined in Section 3 of Executive Order 13287, “Preserve America,” (EO 13287). Federal agencies are encouraged to consider these advisory guidelines when preparing reports to ensure adequate, complete, and useful information is submitted to the ACHP. The ACHP will use this information to prepare its report to 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.

Background

On March 3, 2003, President George W. Bush signed EO 13287 to reaffirm the federal government’s commitment to the stewardship of federal historic properties, and to promote intergovernmental cooperation and partnerships for the preservation and use of historic properties. Section 3(c) of EO 13287 requires the ACHP to prepare a report to the President every third year on the state of the federal government’s historic properties and their contribution to local economic development. The next report will be delivered in February 2021. EO 13287 supports the national historic preservation policy by encouraging efficient management and continued viable use of historic properties, many of which are vacant, underused, or otherwise face challenges in remaining compatible with agencies’ changing missions in the 21st century. The development of Section 3 progress reports provides agencies the opportunity to review their historic preservation programs mandated by Section 110(a) of the National Historic Preservation Act (NHPA), and report on their progress and successes to the ACHP and to make the Administration aware of their achievements in historic property stewardship.

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. Not all of the questions are applicable to all federal agencies.

Submittal Guidelines

This shorter, more focused 2020 edition of the guidelines differs from previous ones in allowing greater flexibility for agencies to tailor responses to their programs and preservation approaches. The guidelines are for a federal agency’s consideration only and allow agencies to use them in conjunction with established agency reporting formats. Federal agencies are not required to structure their Section 3 progress report in response to these questions.

The guidelines reflect ACHP staff intention to pull data from the Federal Real Property Profile, which eliminates the need for as many quantitative questions as before. The questions are also focused on themes current in the ACHP’s strategic plan and Task Force initiatives, including the use of digital information for inventory and planning functions and leveraging outleasing scenarios for the continued use of federally owned historic buildings. The guidelines are based on the original 2007 Advisory Guidelines developed with support of the Section 3 Advisory Guidelines Working Group comprised of the Departments of Defense, Health and Human Services, and Veterans Affairs; Bureau of Land Management; Forest Service; General Services Administration; National Aeronautics and Space Administration; National Park Service; and United States Postal Service.

Agencies are encouraged to include with their report data case studies, best practices, and websites 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.

The ACHP will make all reports available on its website. Departments and agencies with security concerns may submit an executive summary to post on the ACHP website in lieu of the entire progress report. In this case, please send the full progress report to the ACHP, separately, for review.

Section 3 reports must be submitted by an agency's Senior Policy Official to the Chairman of the ACHP and the Secretary of the Interior. Reports should be transmitted to the ACHP, which will convey them to the Department of the Interior. Please email the report as a PDF file or Microsoft Word document with graphics meeting a 500 DPI minimum no later than September 30, 2020, to: Section3@achp.gov.

Additional Information

For more information about this guidance, or about Section 3 of EO 13287, please address your inquiries to:

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RECOMMENDED QUESTIONS TO ANSWER IN SECTION 3 PROGRESS REPORTS

NOTE: The ACHP will request data from the Federal Real Property Profile in order to report quantitatively on the federal government's portfolio of historic properties. If your agency wishes to provide additional information about its inventory of historic properties or its reporting mechanisms, please feel free to provide an agency narrative clarifying or describing the agency's inventory practices as appropriate.

IDENTIFYING HISTORIC PROPERTIES

1. Building upon previous Section 3 reports, have your identification methods changed during this reporting period? Approximately what total percentage or portion of inventory has now been surveyed and evaluated for the National Register, and does this represent an increase from your agency's 2017 progress report?

In addressing this question, agencies are encouraged to evaluate their progress in identifying and evaluating historic properties.

- What sources of digital information about the location of historic properties does your agency use? Is the information internal to the agency, managed by a State Historic Preservation Office or other state agency, shared, or from another source? In what aspect of your agency's preservation work is geospatial information about historic properties most used?

2. Has your agency implemented any policies that promote awareness and identification of historic properties over the last three years?

- Describe any new policies, or new benchmarks or performance measures instituted to meet existing requirements.
- Federal agencies are encouraged to share information about whether evaluation of the effectiveness of existing agency policies, procedures, and guidelines that promote awareness and identification of historic properties has led to improvements during the reporting period or planned updates not yet implemented.
- For the last three years, estimate the percentage of historic property identification completed in the context of Section 106 for specific undertakings and programs versus that completed for unspecified planning needs ("Section 110 survey").

3. How has your agency employed partnerships (with federal or non-federal partners) to assist in the identification and evaluation of historic properties over the last three years?

Agencies are encouraged to examine their policies, procedures, and capabilities to increase opportunities for partnership initiatives involving non-federal collaboration and investment and report on their progress.

- Have any partnerships involved the collection, exchange, or co-management of geospatial data about historic properties in your inventory? If so, please briefly describe the partner(s) and protocol for data transfer and long-term data management. Is the geospatial data accessible to others outside your agency?

PROTECTING HISTORIC PROPERTIES

4. Have the programs and procedures your agency has in place to protect historic properties, including compliance with Sections 106 (54 U.S.C. 306108), 110 (54 U.S.C. 306101-306107 and 306109-306114), and 111 (54 U.S.C. 306121-306122) of NHPA, changed over the reporting period in ways that benefit historic properties?

Agencies are encouraged to describe any changes over the last three years in the manner in which the agency manages compliance with Sections 106, 110, and 111 and to share successes in this area.

- How has the number of full-time cultural resource professionals in your agency assigned to help the agency fulfill its responsibilities under the NHPA changed over the last three years?
- Has the distribution of responsibilities to federal agency employees, contractors, and applicants for compliance with Sections 106, 110, and 111 changed over the last three years?

5. How has your agency employed partnerships to assist in the protection of historic properties over the reporting period?

Agencies frequently work with SHPOs, Indian tribes, Native Hawaiian organizations, certified local governments, and other organizations to protect and manage historic properties. Agencies are encouraged to examine their policies, procedures, and capabilities for public-private initiatives and investment and report on their progress.

- Does your agency partner with friends groups, Preserve America Stewards, colleges or universities, or other organizations on site-specific preservation strategies? If so, how are such groups involved in historic property protection?

6. How has your agency used program alternatives such as Programmatic Agreements, Program Comments, and other tools to identify, manage, and protect your agency's historic properties over the last three years?

- Has your agency developed any new Section 106 program alternatives or revised existing program alternatives during the reporting period? For what projects or programs?
- What effects have program alternatives produced in terms of resource protection and time and cost savings for the agency's Section 106 review responsibilities? How does your agency measure the effectiveness of program alternatives, if the agency uses them?

USING 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.

7. How do your agency's historic federal properties contribute to local communities and their economies, and how have their contributions changed over the reporting period?

- Has consideration of local economic development in your asset planning changed over the last three years? If so, how?
- Does your agency use historic properties to foster heritage tourism, when consistent with agency mission? If so, please describe any new heritage tourism efforts during the reporting period and whether they include public access to historic properties.

8. What other laws, regulations, or requirements (other than the NHPA) most directly affect your agency's strategies to protect and use historic properties? What factors have influenced agency decision making on the continued use or re-use of historic properties during the last three years?

- What factors are considered in agency decisions about disposing of or retaining historic properties?

9. Does your agency use, or has it considered using, Section 111 (now 54 U.S.C. § 306121) of the NHPA or other authorities to lease or exchange historic properties?

- If so, please provide information on how often the authority is used and describe any uses of such authority over the last three years to outlease historic properties.
- Does your agency have protocols to identify historic properties that are available for transfer, lease, or sale?
- Are there obstacles to your agency using Section 111 or other authorities to enable the continued use of historic properties in your inventory?
- Does your agency generally retain the proceeds from Section 111 leases for the purposes of managing historic properties in the agency's inventory? Have these proceeds increased in the last three years?

SUCCESSSES, OPPORTUNITIES, AND CHALLENGES

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

Agencies are encouraged to identify particular successes they have achieved, as well as any challenges or impediments encountered, in their efforts to improve inventory of historic properties, protect historic properties, or use historic properties during the reporting period. Do such challenges or successes suggest opportunities to enhance the federal government's leadership role in historic properties stewardship at the agency or government-wide level? Case studies that highlight, exemplify, or demonstrate agency achievements should include images if available. Agencies are encouraged to include examples of how partnerships have been used to assist in their historic properties stewardship.