

SECTION 3-4: HISTORIC PRESERVATION

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3-4-00 POLICY

It is the policy of HHS that OPDIVs and other HHS organizations whose activities may affect a historic or cultural asset of the United States, will comply with "The Secretary of the Interior's Guidelines and Standards for Historic Preservation Programs" in order that all HHS activities will be carried out in compliance with the National Historic Preservation Act (NHPA) of 1966, as amended and other related laws and Executive Orders. For HHS grants that affect historic properties please see HHS Grants Policy.

A. PRESERVE AMERICA

Executive Order 13287, "Preserve America," which was signed by the President on March 3, 2003, established Federal policy to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.

The Executive Order directs Federal agencies to improve their knowledge about, and management of, historic resources in their care. It also encourages agencies to seek partnerships with state, tribal, and local governments and the private sector to make more efficient and informed use of these resources for economic development and other recognized public benefits.

The Executive Order shines a spotlight on the value of heritage tourism to the nation through historic preservation, recognition of important natural assets, public education, and economic activity. It directs the Secretary of Commerce, working with other agencies, to use existing authorities and resources to assist in the development of local and regional heritage tourism programs that are a significant feature of many state and local economies.

It is the policy of the Federal Government to provide leadership in preserving America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the Federal Government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties. The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Where consistent with executive branch department and agency missions, governing law, applicable preservation standards, and where appropriate, executive branch departments and agencies, ("agency" or "agencies") shall advance this policy through the protection and continued use of the historic properties owned by the Federal Government, and by pursuing partnerships with state and local governments, Indian tribes, and the private sector to promote the preservation of the unique cultural heritage of communities and of the Nation, and to realize the economic benefit that these properties can provide. Agencies shall maximize efforts to integrate the policies, procedures, and practices of the National Historic Preservation Act (NHPA) and this order into their program activities in order to efficiently and effectively advance historic preservation objectives in the pursuit of their missions.

B. FEDERAL MANDATES

Relevant statutes and regulations include but are not limited to:

- Executive Order 13287, *Preserve America*
- National Historic Preservation Act (NHPA) of 1966
- Protection of Historic Properties Section 110
- Protection of Historic Properties Section 106, 36 CFR Part 800
- 36 CFR 61, Professional Qualifications for Historic Projects
- 36 CFR 67, The Secretary of the Interior's Standards for Rehabilitation
- 36 CFR 68, The Secretary of the Interior's Standards for the Treatment of Historic Properties

3-4-10 PROCEDURES

A. BUILDING PRESERVATION PARTNERSHIPS

The following procedures apply to Executive Order 13287, *Preserve America*.

When carrying out its mission activities, each OPDIV, where consistent with its mission and governing authorities, and where appropriate, shall seek partnerships with state and local governments, Indian tribes, and the private sector to promote local economic development and vitality through the use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties. Each OPDIV shall examine its policies, procedures, and capabilities to ensure that its actions encourage, support, and foster public-private initiatives and investment in the use, reuse, and rehabilitation of historic properties, to the extent such support is not inconsistent with other provisions of law, the Secretary of the Interior's Standards for Archeology and Historic Preservation, or essential departmental and OPDIV mission requirements.

B. IMPROVING HHS PLANNING AND ACCOUNTABILITY

Accurate information on the state of HHS owned historic properties is essential to achieving the goals of this order and to promoting community economic development through local partnerships. Each HHS/OPDIV with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties required by section 110(a)(2) of the NHPA (16 USC 470h-2(a)(2)), the general condition and management needs of such properties, and the steps underway or planned to meet those management needs. The assessment shall also include an evaluation of the suitability of the OPDIV's types of historic properties to contribute to community economic development initiatives, including heritage tourism, taking into account HHS/OPDIV mission needs, public access considerations, and the long-term preservation of the historic properties. The first status reports required by E.O. 13286, were due to the Chairman of the Advisory Council on Historic Preservation (Council) and the Secretary of the Interior by September 30, 2005. Follow-up reports are due every third year thereafter.

C. IMPROVING FEDERAL STEWARDSHIP OF HISTORIC PROPERTIES

Each OPDIV shall ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets and, where consistent with OPDIV missions, governing law, and the nature of the properties, contributes to the local community and its economy.

1. Where consistent with OPDIV missions and the Secretary of the Interior's Standards for Archeology and Historic Preservation, and where appropriate, agencies shall cooperate with communities to increase opportunities for public benefit from, and access to, federally owned historic properties.
2. The Council is directed to use its existing authority to encourage and accept donations of money, equipment, and other resources from public and private parties to assist other agencies in the preservation of historic properties in Federal ownership to fulfill the goals of the NHPA and this order.
3. The National Park Service, working with the Council and in consultation with other agencies, shall make available existing materials and information for education, training, and awareness of historic property stewardship to ensure that all Federal personnel have access to information and can develop the skills necessary to continue the productive use of Federally owned historic properties while meeting their stewardship responsibilities.
4. The Council, in consultation with the National Park Service and other agencies, shall encourage and recognize exceptional achievement by such agencies in meeting the goals of the NHPA and this order.

3-4-20 GUIDANCE AND INFORMATION

OPDIVs have or should be developing reporting systems to fulfill the assessment and reporting requirements of subsections 3(a)-(c) of EO 13287. To assist agencies, the Council, in consultation with the Secretary of the Interior, has prepared advisory historic preservation program guidelines for agencies to use at their discretion.

The Secretary of Health and Human Services has designated the DAS, OFMP as the HHS senior policy level official to have policy oversight responsibility for the agency's historic preservation program. The DAS, OFMP has further designated a qualified subordinate employee to serve as the agency's Federal Preservation Officer in accordance with section 110(c) of the NHPA. The Federal Preservation Officer is qualified consistent with guidelines established by the Secretary for that position and has access to adequate expertise and support to carry out the duties of the position.

A. PROMOTING PRESERVATION THROUGH HERITAGE TOURISM

1. To the extent permitted by law and within existing resources, the Secretary of Commerce, working with the Council and other agencies, shall assist states, Indian tribes, and local communities in promoting the use of historic properties for heritage tourism and related economic development in a manner that contributes to the long-term preservation and productive use of those properties. Such assistance shall include efforts to strengthen and improve heritage tourism activities throughout the country as they relate to federally owned historic properties and significant natural assets on Federal lands.
2. Where consistent with OPDIV missions and governing law, and where appropriate, OPDIVS shall use historic properties in their ownership in conjunction with state, tribal, and local tourism programs to foster viable economic partnerships, including, but not limited to, cooperation and coordination with tourism officials and others with interests in the properties.

B. NATIONAL AND HOMELAND SECURITY CONSIDERATIONS

Nothing in this section shall be construed to require any agency to take any action or disclose any information that would conflict with or compromise national and homeland security goals, policies, programs, or activities.

C. DEFINITIONS

For the purposes of this section, the term "historic property" means any prehistoric or historic district, site, building, structure, or object included on or eligible for inclusion on the National Register of Historic Places in accordance with section 301(5) of the NHPA (16 USC 470w(5)). The term "heritage tourism" means 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. The terms "Federally owned," "in Federal ownership," and similar terms, as used in this order, 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.

3-4-30 REPORTING REQUIREMENTS

Each OPDIV with real property management responsibilities reported September 30, 2005, and is responsible for reporting every year thereafter on its progress in identifying, protecting, and using historic properties in its ownership. The report should be provided to OFMP, which is responsible for consolidating the reports and sending to the Council. The Council shall 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. The main topic areas to be addressed are:

1. What types of historic properties does your agency own or manage and how is this information collected and maintained?
2. How would you characterize the distribution and general condition of these properties?
3. What reporting mechanisms and systems are used by your agency for carrying out its resource management responsibilities?
4. Does your agency coordinate its data gathering for historic properties under its ownership or control with required Federal audit, accounting, and financial management reporting?
5. How is your agency fulfilling its historic preservation program responsibilities under Section 110 of NHPA?
6. How is your agency complying with Section 111 of NHPA when historic properties are transferred, leased, or sold?
7. If your agency does not currently have a historic preservation program or procedures for complying with Sections 110 and 111, what future actions will be taken to meet these statutory requirements?
8. What issues regarding your agency's mission, internal policies, location of its inventory of historic properties, or use of such properties could potentially hinder the agency's ability to contribute to community economic development initiatives?
9. Does your agency have programs and policies that help it to identify historic preservation opportunities and promote preservation through partnerships?
10. How would your agency characterize its overall progress in meeting its property management and stewardship responsibilities since filing its last Executive Order 13287, Section 3 Report?

