



Preserving America's Heritage

Executive Order 13287: Section 3 Reports Ten Most Frequently Asked Questions

1. What is the purpose of my agency submitting a Section 3 Report?

President Bush issued Executive Order 13287 to reaffirm the Federal Government's commitment to providing leadership in preserving America's heritage by improving the stewardship of Federal real property. The E.O. includes a number of actions that are intended to encourage better accounting, use, management, and recognition of historic properties under the ownership of the agency. By preparing the Section 3 Reports, agencies will increase their knowledge of their historic properties and determine how to best protect and manage such properties as assets. In addition, the information contained in the reports will enable the Advisory Council on Historic Preservation (ACHP) and the Department of Interior (DOI) to better advise Congress and the President regarding issues related to Federal property stewardship.

2. How do the requirements of Section 3 of E.O. 13287 relate to those of Section 110 of the National Historic Preservation Act?

Section 3 of the E.O. "Improving Federal Agency Planning and Accountability," is not intended to replace the requirements of Section 110 of the National Historic Preservation Act. Rather, Section 3 of the E.O. is intended to assess how Federal agencies are meeting their Section 110 responsibilities and determine whether they have developed sound management and operating policies to protect, preserve, and use federally owned historic properties.

3. Are certain agencies exempt from the requirement to prepare a Section 3 Report?

The E.O. applies to all Executive Branch departments and agencies. However, Section 3 of the E.O. applies specifically to such departments and agencies that have real property management responsibilities.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004

Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

4. *Should a detailed inventory of all of the agency's historic properties be provided in the initial Section 3 Report?*

The initial Section 3 Report will provide an overview of how the agency administers its preservation program, including the inventory of historic properties. While the actual numbers and locations of historic properties is useful, the initial report should also include the percentage of properties that have been evaluated for National Register eligibility; the percentage that are historic; the types of properties that are included in the inventory; and the methodology and schedule the Federal agency will use to complete its inventory.

5. *For the purposes of the E.O., how are "historic properties" defined?*

As set forth in Section 7 of the E.O., the applicable definition of "historic properties" is the one found in the National Historic Preservation Act (NHPA). Under that definition a "historic property" is "any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource (16 U.S.C. 470w(5))."

6. *Are agencies required to prepare a Section 3 Report on property they lease or manage under contractual arrangements with another agency?*

Section 110(a)(2)(A) requires each Federal agency to develop a preservation program for historic properties under the jurisdiction or control of the agency. The agency that leases or manages a historic property under an arrangement with another agency should contact that agency owning the property to clarify that the property will be reported as an out leased or co-managed property in its inventory of historic properties. However, it is acceptable for each agency to include such property in its Section 3 Report as long as the agency specifies whether it is the lessor and lessee.

7. *What level of detail does the ACHP expect agencies to provide with regard to the conditions of its historic properties?*

Section 3 Reports should include information on the general condition of properties in the Federal agency's historic inventory. Since each agency has its own protocols for assessing the condition of its real property, in the initial report the ACHP would like to know the methodology for evaluating the conditions of properties, the qualifications of the staff making these assessments, and the schedule for evaluating current conditions of properties. A particularly important issue that should be addressed in the report is whether buildings are in poor condition due to neglect, sustained vacancies, or a pattern of deferred maintenance.

8. *Should agencies coordinate the Section 3 Report with any other government-wide real property reports required of Federal agencies?*

Some of the information required for the Section 3 Report may be the same as that used in compiling the Federal Accounting Standards Advisory Board (FASAB) Reports. Presently, agencies are required to report descriptive, non-financial information on stewardship land and heritage assets in accordance with the Statement of Federal Financial Accounting Standards (SFFAS) No. 8. While in the past this information was not auditable, changes have been made to require auditors to provide examination level assurance regarding these reports. Therefore, agencies may be able to use some of the information collected for its heritage assets report (SFFAS No. 8) when it is consistent with the requirements of Section 3 of EO 13287.

9. *Who should transmit the Section 3 Report to the ACHP and Department of Interior?*

Section 3 Reports should be submitted to the ACHP by the head of the agency, or his/her designee, to ensure that the reports are reviewed and endorsed by the agency's senior policy officials.

10. *In what format should the Section 3 Report be submitted and how many copies are required?*

The Federal agency can file its Section 3 Reports with the ACHP electronically at Sec3reports@achp.gov provided the report is in MS-Word format. The Federal agency should also send two hard copies of the report to the ACHP, one for the ACHP and one it can forward to the Department of Interior for its records.

Prepared August 18, 2004