Fifty Years of Heritage
So Rich: The National Historic Preservation Act
Taking the National Historic Preservation Program to the Next Level

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The National Historic Preservation Act of 1966 (NHPA) inspired a far-reaching and complex set of regulations, incentives, and approaches aimed at accomplishing its core objective of preserving cultural and historic resources in the United States. These have evolved over time: some have served to protect hundreds, if not thousands, of historic resources, while others, as explained elsewhere in this issue, have never been fully realized. On the occasion of the 50th anniversary of the NHPA, the National Trust for Historic Preservation, along with many partners, participated in developing policy recommendations to be advanced by the Advisory Council on Historic Preservation (ACHP). What follows is the Trust’s set of recommendations and principles aimed at improving the national historic preservation program.

SECTION 106

The National Trust asserts that Section 106 of the NHPA is a critical regulatory process and its oversight is the most important function of the ACHP. It recommends:

- Increasing ACHP staff capacity for greater engagement in Section 106 consultation;
- Providing digital access on the ACHP’s website to all Section 106 Programmatic Agreements (PA) and all Programmatic Memoranda of Agreement (PMOA) signed by the ACHP;
- Identifying agencies with chronic Section 106 compliance problems and working to correct these;
- Requiring federal agencies to provide for greater involvement by consulting parties, especially for the development of PAs; and
- Terminating or amending outdated agreements that are no longer consistent with current regulations (such as PMOA for WWII Temporary Buildings, 1987).
**FUNDING**

The Historic Preservation Fund (HPF) has never been fully funded, which compromises the abilities of federal, state, and local agencies to implement the full scope of activities and programs contemplated by the NHPA. The Trust proposes that the HPF should receive full and permanent funding at its authorized level of $150 million annually, especially to support:

- State and Tribal historic preservation offices as well as Certified Local Governments; and
- The continuation of competitive grant programs for the survey and nomination of properties associated with communities that are currently underrepresented in the National Register of Historic Places, the preservation of the sites and stories of the Civil Rights Movement, historically black colleges and universities, and other initiatives as warranted.

**HISTORIC TAX CREDITS**

Historic rehabilitation tax credits have proven to be the most significant federal investment in historic preservation. Since President Reagan signed them into law in 1981, the credits have made possible the rehabilitation of more than 41,250 buildings, created more than 2.3 million jobs, and leveraged more than $117.6 billion in private investment. Moving forward, the credit can be even more powerful.

- Congress should expand the credit to better serve small projects, such as those in Main Street communities, by increasing the tax credit to 30 percent for projects under $2.5 million and by making technical changes that reflect the practical needs of current industry practice.
- Several studies of historic tax credit projects reviewed by the National Park Service (NPS) have recommended greater flexibility in the interpretation of the Secretary of the Interior’s Standards when evaluating such projects. These recommendations should be implemented.
THE NATIONAL REGISTER OF HISTORIC PLACES
The National Register must fully recognize the broad spectrum of cultures, experiences, and stories that are embodied within the physical environment of our communities. It should be comprehensive and integrated.

- Funding should be made available to federal and state agencies, as well as tribes, through a competitive grant program to fund survey, inventory, and digitization projects.
- The National Register should be expanded to recognize—and identify, document, interpret, and protect—a greater diversity of cultural resources. A narrow approach to issues such as “integrity,” “period of significance,” and the Secretary’s Standards can impede the recognition of places that are significant to underrepresented communities. Overemphasis on architectural distinction and integrity misses the opportunity to embrace the full range of historic and cultural resources that could educate, unite, and empower Americans, and contribute to our economic and social vitality.
- National Park Service Bulletin 38, *Guidelines for Identifying and Evaluating Traditional Cultural Properties*, which has not been revised since 1998, needs to be updated to reflect significant developments in the past 15–20 years.
- There is growing public interest in protecting landscape resources. Better guidance and advanced survey techniques should be developed for identifying and evaluating traditional and historic landscapes.

PUBLIC-PRIVATE PARTNERSHIPS AND HISTORIC LEASING
In an era of increasing competition for limited federal dollars, it is more important than ever for agencies that manage federal lands to leverage federal funds by creating incentives and opportunities for public-private partnerships. The NPS recently issued a draft of Director’s Order 21, which represents a commendable effort to address these issues. Other federal agencies need to improve their policies as well.

- The Office of Management and Budget’s existing budget-scoring rules often weigh against historic rehabilitation and make it
difficult to establish public-private partnerships based on long-term lease agreements.\(^4\) These need to be revised.

- The Enhanced Use Leasing authority of the Department of Veterans Affairs (VA) is generally limited to uses that serve homeless veterans. Expansion of this authority to serve the broader veteran population would significantly improve the ability to use private investment to rehabilitate historic properties owned by the VA.

- The NPS should expand the use of historic leasing within the national park system to better use public-private partnerships that can leverage private capital and reduce the multibillion dollar maintenance backlog.

**CERTIFIED LOCAL GOVERNMENT PROGRAM**

The administration of the Certified Local Government (CLG) program has lacked consistency and failed to enforce local government compliance with its basic requirements.\(^5\) The NPS should:

- Enforce compliance with basic requirements and terminate CLG status for local governments that fail to comply; and

- Enhance funding for the program to increase incentives for local compliance. Full funding of the HPF would substantially increase funding for CLGs.

**PROFESSIONAL QUALIFICATION STANDARDS**

The Secretary of the Interior’s Historic Preservation Professional Qualification Standards have not been formally updated since 1983. A revised draft of these standards was published in 1997 (62 Fed. Reg. 33,707, June 20, 1997) but it has never been finalized. This update should be realized.

**FULL IMPLEMENTATION OF THE NHPA**

The Preserve America Summit Panel report, *Protecting Places That Matter*, includes a number of recommendations to implement provisions in the NHPA that have been underused or have never been implemented.\(^6\) Several of those are especially worth highlighting:

- Loan guarantees. Section 104 of the NHPA requires the Secretary of the Interior to establish and maintain a loan guarantee
program to finance historic preservation projects for National Register properties (54 U.S.C. § 303901). This program has not been funded and remains unused. It should be implemented.

- Direct grants for the preservation of historic properties. The NHPA also authorizes direct grants for the preservation of historic properties (54 U.S.C. § 302904). This program should be implemented as well. Making funds available on a competitive basis will help foster innovation and leverage the economic impact of the grants.

- Report on threats to historic properties. The NHPA requires the Secretary of the Interior to review significant threats to historic properties and submit a report to the president and Congress at least once every four years recommending appropriate action (54 U.S.C. § 302108).

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TAKEAWAY

Read “The National Historic Preservation Program at 50: Priorities and Recommendations for the Future”—a draft statement from the ACHP.