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The Federal Role in Historic Preservation: An Overview

Updated March 22, 2024

Congressional Research Service
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R45800

CRS REPORT
Prepared for Members and
Committees of Congress

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SUMMARY

R45800

March 22, 2024

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The Federal Role in Historic Preservation: An Overview

Several long-standing statutes have established a framework for federal historic preservation activities. The most comprehensive of these statutes is the National Historic Preservation Act of 1966 (NHPA; P.L. 89-665). NHPA created a grant program for state historic preservation, established the federal National Register of Historic Places (National Register) and the procedures by which historic properties are placed on the National Register, funded the National Trust for Historic Preservation, established the Advisory Council on Historic Preservation (ACHP), and designated a process for federal agencies to follow when their projects may affect a historic property (known as the *Section 106 process*). Congress has amended and expanded NHPA multiple times since its passage, with the most recent substantive amendments occurring in 2016.

Congress often considers bills to designate specific properties or areas as historically important, under various designations. These designations include national monuments, national historical parks, national historic sites, national historic landmarks, and properties listed on the National Register, to name a few. Such historic designations may bring few management changes to a site or may involve significant changes, depending on the individual designating laws and/or general authorities that may apply to a type of designation. Some historic designations are applied to federally owned lands (including lands already under federal administration and those that the designating law may authorize for federal acquisition), but many federal designations are conferred on lands that remain nonfederally owned and managed.

Because of these various legislative and oversight activities, historic preservation is of perennial interest to Congress. For example, some Members of Congress support proposals to eliminate or reduce the federal government's role in financing historic preservation programs, leaving such programs to be sustained by other levels of government or by private support. Others state that a federal role in supporting historic preservation should be maintained or expanded. In particular, lawmakers and presidential administrations pay attention to funding levels for various historic preservation programs that are subject to the annual appropriations process.

The Historic Preservation Fund (HPF) has been the primary federal funding source for historic preservation since it was first authorized in 1976. The HPF is funded through revenue generated by outer continental shelf oil and gas receipts, and deposits to the HPF have been periodically reauthorized by Congress. In 2016, Congress extended the authorization of the HPF to receive deposits of $150 million annually through FY2023. In October 2023, authorization for deposits into the HPF expired. On March 9, 2024, HPF deposits were reauthorized through FY2024 as part of the Interior appropriations law (P.L. 118-42, §122). The HPF deposits are available only to the extent appropriated by Congress in discretionary appropriations laws. Appropriations from the HPF have generally increased from FY2014 to FY2023 in both nominal and inflation-adjusted dollars. After inflation is accounted for, the FY2023 total HPF appropriation of $204.5 million (P.L. 117-328) reflects a roughly 13% increase from the FY2022 appropriation and a nearly threefold increase from the FY2014 funding level. For FY2024, Congress appropriated $188.7 million to the HPF, a roughly 10% reduction in funding for the HPF compared with FY2023 levels in inflation-adjusted dollars.

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Introduction

Historic preservation is the practice of protecting and preserving sites, structures, objects, landscapes, and other cultural resources of historical significance. Various federal, state, and local government programs, as well as privately funded activities, support historic preservation in the United States. This report provides an overview of the federal role in historic preservation, including background and funding information for some of the major preservation programs authorized by Congress. In addition to establishing national policies governing historic preservation, Congress considers the federal government's role in financing many of these programs through the annual appropriations process. Some programs also periodically come before Congress for reauthorization. Additionally, Congress often considers bills to designate specific properties or areas as historically important, under various designations.

As a result, issues related to historic preservation are of perennial interest to Congress. Some Members of Congress support proposals to eliminate or reduce the federal role in historic preservation, leaving such programs to be sustained by other levels of government or by private support. Other Members feel federal support for historic preservation should be maintained or increased. The heavy toll of natural disasters such as Hurricanes Harvey, Irma, and Michael on historic resources has contributed to increased support for incorporating preservation needs in federal disaster relief planning and aid.[1]

This report includes a summary of the federal government's role in historic preservation activities, from its early efforts in the late 1890s to today. The report contains a list of many of the federal grant programs funded through the annual appropriations process (see **Appendix**). It also includes overviews of historic preservation grants for tribal historic preservation, African American civil rights, historically black colleges and universities (HBCUs), Japanese American confinement sites (JACSs), Native American Graves Protection and Repatriation Act (NAGPRA) programs, the Save America's Treasures grant program, and the American Battlefield Protection Program (ABPP). The Appendix includes eligibility requirements, matching fund guidelines, and statutory authorization for each program. It also includes an overview of federal funding trends for historic preservation activities from FY2014 to FY2023, along with the most recently enacted totals for FY2024. Finally, the report outlines some potential issues facing the 118th Congress in determining whether and how to address historic preservation activities at the federal level.

Background on Federal Historic Preservation Legislation

The federal role in historic preservation was limited for much of the country's early history, with no formal federal policy in place. The two most significant early efforts at federal historic preservation came in the 1890s. First, Congress passed laws intended to protect ancient Puebloan sites in the American Southwest.[2] Soon thereafter, Congress authorized the acquisition of

[1] For example, see Annie Christoff, "House of the Setting Sun: New Orleans, Katrina, and the Role of Historic Preservation Laws in Emergency Circumstances," 95 *Georgetown Law Journal* (2006), and Linda Poon, "Why Historic Preservation Needs to Be Part of Disaster Planning," *Bloomberg,* April 8, 2016, at https://www.citylab.com/equity/2016/04/why-historic-preservation-needs-to-be-part-of-disaster-planning/477318/. Both the 115th (P.L. 115-123) and 116th (P.L. 116-20) Congresses provided emergency supplemental appropriations to the Historic Preservation Fund (HPF) in the aftermath of natural disasters.

[2] Richard West Sellars, "A Very Large Array: Early Federal Historic Preservation—The Antiquities Act, Mesa Verde, (continued...)

thousands of acres of private land to establish five Civil War national battlefield parks to be administered by the Department of War.[3] These two distinct federal efforts—commemorating very different moments in American history—are often marked as the genesis of the United States' federal preservation program.[4] In the 20th century, a legislative campaign for a comprehensive historic preservation policy bolstered these efforts.

Antiquities Act of 1906[5]

The Antiquities Act of 1906 provided the executive branch with authority to identify and protect cultural resources on federal lands in an expeditious manner.[6] Prior to its passage, federal law provided no means to preserve national cultural and historic resources that had not received specific legislative authorization from Congress. The Antiquities Act authorized the President to proclaim national monuments on federal lands that contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest."[7] The law also established guidelines around the future excavation of objects of antiquity found on land owned or controlled by the federal government.[8] Since its passage in 1906, the Antiquities Act has been used to create more than 160 national monuments.

Historic Sites Act of 1935

With the passage of the Historic Sites Act of 1935, Congress established a national policy on historic preservation.[9] The act outlined a policy to "preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States" while also providing the Secretary of the Interior the authority to develop a program aimed at identifying and evaluating cultural resources.[10] It placed the primary responsibility for administering federal historic preservation activities with the National Park Service (NPS). Efforts to survey and evaluate cultural resources of national historical significance eventually led to the designation of national historic landmarks (NHLs)—a federal recognition for

and the National Park Service Act," *Natural Resources Journal*, vol. 47, no. 2 (2007): 267-328, at http://www.jstor.org/stable/24889175. Hereinafter "Sellars, 'A Very Large Array.'"

[3] Richard West Sellars, "Pilgrim Places: Civil War Battlefields, Historic Preservation, and America's First National Military Parks, 1863-1900," *CRM,* vol. 2, no. 1 (winter 2005), 22-52. The five national battlefield parks were Chickamauga and Chattanooga (administratively combined by the establishing legislation), Antietam, Shiloh, Gettysburg, and Vicksburg.

[4] Sellars, "A Very Large Array."

[5] For a more complete discussion of the history and authorities granted by the Antiquities Act, see CRS Report R41330, *National Monuments and the Antiquities Act*, by Carol Hardy Vincent.

[6] John M. Fowler, "Federal Historic Preservation Law: National Historic Preservation Act, Executive Order 11593, and Other Recent Developments in Federal Law," *Wake Forest Law Review*, vol. 12, no. 1 (Spring 1976), pp. 31-74, at https://heinonline.org/HOL/Page?handle=hein.journals/wflr12&id=35&collection=journals&index=.

[7] 54 U.S.C. §320301. A presidentially proclaimed monument must occupy "the smallest area compatible with the proper care and management of the objects to be protected."

[8] 54 U.S.C. §320302.

[9] Charles M. Elliott, "Historic Preservation," *Colorado Lawyer*, vol. 5, no. 2 (February 1976), pp. 151-156, at https://heinonline.org/HOL/P?h=hein.barjournals/cololaw0005&i=155.

[10] August 21, 1935, ch. 593, 49 Stat. 66. The text of the law had been codified at 16 U.S.C. §461. It was recodified pursuant to P.L. 113-287 to 54 U.S.C. §320101.

historic properties that exists today.[11] (See "National Historic Landmarks Program" section for more information on NHL designation.)

National Historic Preservation Act of 1966

In the aftermath of World War II, the United States saw a transformation of the natural and built environment, thanks in part to a rapid growth in federal infrastructure projects. The construction of interstate highways, urban renewal projects, and large-scale development led to the destruction of numerous historic buildings, archaeological sites, and cultural resources not previously protected under the Historic Sites Act of 1935.[12] In response, President Lyndon B. Johnson convened a special committee on historic preservation in 1965.[13] The following year, the committee released its report, *With Heritage So Rich*, which called for a comprehensive national historic preservation program.[14] The same year, Congress passed the National Historic Preservation Act of 1966 (NHPA), which incorporated nearly every major recommendation included in the report.[15]

Broader than its two predecessors, NHPA is the most comprehensive piece of legislation addressing federal historic preservation. Among its many provisions, the law established the National Register of Historic Places (National Register) and the procedures by which historic properties are placed on the register, funded the National Trust for Historic Preservation (National Trust), created a grant program for state and tribal historic preservation, required federal agencies to manage and preserve their historic properties, and created a process for federal agencies to follow when their projects may affect a historic property. Congress has amended and expanded NHPA multiple times since its passage, with the most recent substantive amendments occurring in 2016.[16]

Selected Historic Preservation Programs and Entities

Various federal programs and federally established entities support historic preservation across the United States. Many of these programs and entities were established in NHPA and its subsequent amendments; however, Congress has authorized through separate legislation several other programs that also support activities related to historic preservation. Although it is beyond the scope of this report to discuss all federal programs and entities that support historic preservation, selected major programs and entities are highlighted.

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[11] Jess R. Phelps, "Preserving National Historic Landmarks?" *New York University Environmental Law Journal*, vol. 24, no. 2 (2016), pp. 137-200, at https://heinonline.org/HOL/P?h=hein.journals/nyuev24&i=146.

[12] Barry Mackintosh, *The National Historic Preservation Act and the National Park Service: A History* (U.S. Department of the Interior, 1986), at https://www.nps.gov/parkhistory/online_books/mackintosh5/index.htm. See also S.Rept. 89-1363: "Already, nearly half the buildings recorded in the Historic American Buildings Survey are gone or mutilated. Significant buildings or historic settings of lesser importance are experiencing a still higher casualty rate."

[13] National Park Service (NPS), "National Historic Preservation Act," at https://www.nps.gov/subjects/historicpreservation/national-historic-preservation-act.htm.

[14] United States Conference of Mayors Special Committee on Historic Preservation, *With Heritage So Rich* (New York: Random House, 1966). Also see Mark P. Nevitt, "The National Historic Preservation Act: Preserving History, Impacting Foreign Relations," *Berkeley Journal of International Law*, vol. 32, no. 2 (2014), pp. 388-444, at https://heinonline.org/HOL/P?h=hein.journals/berkjintlw32&i=407.

[15] P.L. 89-665, 80 Stat. 915. The text of the law had been codified at 16 U.S.C. §§470 et seq. It was recodified pursuant to P.L. 113-287 at 54 U.S.C. §§300101 et seq.

[16] P.L. 114-289, Title VIII, December 16, 2016, 130 Stat. 1494.

Advisory Council on Historic Preservation

Created by NHPA, the Advisory Council on Historic Preservation (ACHP) is an independent agency consisting of 24 statutorily designated members representing federal, state, and tribal government, as well as experts in historic preservation and members of the public.[17] The ACHP is headed by a Senate-confirmed Chairman who serves for a term of four years, with the ability to be reappointed for a second four-year term.[18] Among its various responsibilities, ACHP serves as the federal policy advisor to the President and Congress on matters relating to historic preservation, recommending administrative and legislative improvements and providing guidance on interagency coordination. ACHP also oversees Section 106 review, a process that federal agencies must follow when their projects may affect a historic property.[19] Federal agencies are required to review the potential impacts of their actions on historic sites, a process that is to be concluded before federal funding is provided or a federal license is issued. Section 106 applies only to federal or "federally assisted" undertakings, such as those receiving federal funding or a federal permit.[20] As an independent agency, ACHP receives funding as part of the "Related Agencies" portion of the annual Department of the Interior, Environment, and Related Agencies appropriations bill.

Historic Preservation Fund

The Historic Preservation Fund (HPF)—administered by NPS—is the primary source of funding for federal preservation awards to states, tribes, local governments, and nonprofit organizations. Although federal funding for historic preservation was available under the 1966 NHPA and subsequent amendments in 1970 and 1973, Congress did not officially establish the HPF to carry out the activities specified in NHPA until 1976.[21]

The HPF is funded through revenue generated by outer continental shelf oil and gas receipts, and its funding has been periodically reauthorized by Congress. Since its creation, the HPF has been authorized to receive deposits of $150 million annually, subject to congressional reauthorization. In 2016, Congress authorized the HPF through FY2023.[22] In October 2023, funding authorization for the HPF expired; however, on March 9, 2024, funding was reauthorized through FY2024 as part of the annual Interior appropriations law.[23]

[17] 54 U.S.C. §§304101. The 24 statutorily designated members can be found at 54 U.S.C. §304101(a).

[18] 54 U.S.C. §§304101(e). Prior to 2017, the President was able to appoint the Chairman without Senate confirmation. In 2016, Congress amended the National Historic Preservation Act of 1966 (NHPA; P.L. 89-665) to require Senate confirmation and make the office a full-time salaried position (P.L. 114-289, Title V, §501(a)–(c)(1), Dec. 16, 2016, 130 Stat. 1489).

[19] The Section 106 review process is so called because it was established in Section 106 of NHPA (54 U.S.C. §306108).

[20] 54 U.S.C. §306108 and 36 C.F.R. §800.16(y). Under Section 106, agencies must "take into account" the effects of such undertakings on any historic properties, including properties listed on or eligible for listing on the National Register of Historic Places. The law and its implementing regulations require a review and consultation process if any historic properties may be affected, but they do not require the agencies to take an action that avoids adverse effects. To learn more about the Section 106 process, see CRS Report R47543, *Historic Properties and Federal Responsibilities: An Introduction to Section 106 Reviews*, by Mark K. DeSantis.

[21] P.L. 94-422, Title II, §201(4), September 28, 1976, 90 Stat. 1320.

[22] Congress reauthorized funding for the Historic Preservation Fund (HPF) through FY2023 under P.L. 114-289, Title VIII, §802, December 26, 2016, 130 Stat. 1494.

[23] P.L. 118-42, §122.

Funding derived from the HPF is available only to the extent appropriated by Congress in discretionary appropriations laws. Since the HPF's establishment, annual appropriations from the account have typically been less than the deposited amount; however, appropriations have increased over the past decade and in FY2022 and FY2023 exceeded the annual deposit.[24] For more information on HPF funding, see "Federal Funding for Historic Preservation" below.

The HPF typically funds historic preservation activities in two ways: (1) formula-based apportionment grants and (2) competitive grant programs.[25] Most HPF appropriated funds are used to provide formula-based matching grants-in-aid to state historic preservation offices (SHPOs) and tribal historic preservation offices (THPOs) and sub-grants to certified local governments (CLGs). Congress also has provided appropriations for additional competitive grant programs that fund specific historic preservation activities. The **Appendix** to this report provides an overview of the various grant programs that have been funded through the HPF, eligibility requirements, and program goals.

State Historic Preservation Office Program[26]

HPF grants are awarded annually to SHPOs of the 50 states plus the District of Columbia and the territories.[27] SHPOs are appointed officials responsible for administering and managing federal funds to conduct historic preservation activities.[28] These activities may include surveys and inventories, nominations to the National Register, preservation education, Section 106 consultations, community preservation planning, and physical preservation of historic buildings.

NPS allocates grants to SHPOs according to a needs-based formula determined by the agency.[29] States conducting these activities are statutorily required to provide a 40% match to the funds provided by the HPF.[30] Guidelines allow each state the flexibility to design and shape its historic preservation program as long as the program meets the overall responsibilities outlined by NHPA. Typically, SHPOs do not use these funds to issue sub-grants to other entities for individual historic preservation projects; rather, SHPOs generally use these funds for their own operational and administrative costs, as well as programmatic activities (listed above) carried out directly by the SHPO. Under federal regulations, at least 10% of the allocations to SHPOs are sub-granted to assist CLGs with local preservation needs (see "Certified Local Government Program" below).[31]

[24] Although total appropriations for FY2019 were $152.7 million, this reflects both regular appropriations and an additional $50 million in supplemental emergency appropriations. Without these supplemental funds, HPF appropriations for FY2019 would be less than the authorized amount.

[25] Congress has, at times, also provided funding for certain individual projects in annual appropriations laws as community project funding/congressionally directed spending (sometimes referred to as "earmarks"). For example, in FY2023, Congress appropriated $29.12 million for 56 historic preservation projects across the country. To learn more about what constitutes an earmark, see CRS Report R45429, *Lifting the Earmark Moratorium: Frequently Asked Questions*, by Megan S. Lynch.

[26] Each state historic preservation office is headed by a state historic preservation officer. In this report, the abbreviation "SHPO" is used interchangeably to refer to both the office and the appointed officer.

[27] There are a total of 59 SHPOs, representing every state as well as the territories and the District of Columbia.

[28] Under NHPA, SHPOs for each state or territory are designated and appointed by the governor—or "the chief elected official"—of that state to administer the state's historic preservation program (54 U.S.C. §302301(1)).

[29] 54 U.S.C. §302902(c). In July 2022, NPS published revisions to the apportionment formula following a comprehensive review of the formula that had been in place since 2002. Allocations based on the revised formula were first made in FY2023.

[30] 54 U.S.C. §302902(b)(3). The matching share is 40% of the total budget, not 40% of the federal award amount.

[31] 54 U.S.C. §302902(c)(4).

Tribal Historic Preservation Office Program

Since FY1996, NPS has awarded annual formula-based grants to THPOs.[32] Eligibility for grants under the THPO grant program is limited to federally recognized tribes that have signed agreements with NPS designating them as having an approved THPO.[33] To become an approved THPO, a tribe submits a request to assume responsibilities from the SHPO and provides a program plan demonstrating how SHPO duties will be conducted. Once a program plan is completed and approved, an agreement between the tribe and the Secretary of the Interior is executed and the THPO becomes eligible for HPF grant support. In 1996, the first year of the program, 12 tribes had approved THPOs. Since then, the number of approved THPOs has increased, and as of 2022 (the most recent year for which NPS has reported data), there were 208 approved THPOs.

Unlike for SHPO grants, NPS has not required a nonfederal match for the THPO grant program. Activities funded through the program include staff salaries, archeological and architectural surveys, review and compliance activities, comprehensive preservation studies, National Register nominations, educational programs, and other preservation-related activities. Grants are not awarded competitively but instead are determined according to a formula in consultation with tribes.[34] For more discussion regarding THPO funding levels, see "HPF Funding Levels" below.

Certified Local Government Program

NHPA requires that at least 10% of the annual HPF funding provided to each SHPO be sub-granted to local government entities known as CLGs.[35] A CLG is a unit of local (town, city, or county) government that has undergone a certification process administered by NPS and the respective state SHPO, involving demonstration of a commitment to historic preservation. Under this certification process, local governments must meet NPS guidelines that include the establishment of a "qualified" historic preservation commission, inventory maintenance and surveys of local historic resources, and enforcement of state or local historic preservation laws, as well as additional requirements that may be established at the state level.

Although CLGs receive at least 10% of the total annual apportionment from their respective SHPOs, states may provide more than the required minimum 10% pass-through should they choose to do so. States typically award grants to individual CLGs through a competitive application process established by the SHPO.[36]

National Register of Historic Places

The National Register of Historic Places (or National Register) stands as the United States' "official list" of properties significant in "American history, architecture, archeology, engineering

[32] In 1992, Congress directed the Secretary of the Interior to establish a National Tribal Preservation Program (P.L. 89-665, Title I, §101(e)(5), as amended by P.L. 102-575, Title XL, §4007(2), October 30, 1992, 106 Stat. 4758). Funding for the Tribal Historic Preservation Office (THPO) grant program was first provided in FY1996.

[33] As of 2024, there are 574 federally recognized Indian tribes in the United States, according to the annual list published by the Department of the Interior's Bureau of Indian Affairs. For more information, see CRS Report R47414, *The 574 Federally Recognized Indian Tribes in the United States*, by Mainon A. Schwartz.

[34] Of the total annual appropriations provided to the THPO program, approximately 80% are divided equally among all THPOs, and the remaining 20% are apportioned based on the area of *tribal lands* as defined in NHPA.

[35] Regulations regarding the transfer of funds to certified local governments (CLGs) can be found at 36 C.F.R. §61.7.

[36] Regulations at 36 C.F.R. §61.7(b) clarify that "[e]ach CLG is eligible to receive funds from the 10 percent (or greater) CLG share of the State's total annual HPF grant award. However, the SHPO need not award funds to all CLGs."

and culture."[37] The National Register is maintained by the Department of the Interior (DOI) and in particular by NPS under the authority of NHPA.[38] NHPA requires the Secretary of the Interior to maintain the National Register, develop guidelines and regulations for nominations, consider appeals, make determinations of eligibility of properties, and make the National Register accessible to the public. NPS has developed standards and guidelines to help federal, state, and local governments prepare nominations for the National Register.[39]

SHPOs, THPOs, or federal historic preservation offices typically coordinate nominations for the National Register. Property owners, historical societies, preservation organizations, government agencies, and other interested parties work through these offices to determine whether a given property meets the requisite criteria for listing, at which point a completed nomination and recommendation are submitted to NPS for review. NPS is to decide whether a property should be listed within 45 days after receiving a completed nomination.[40] Benefits of listing on the National Register include honorary designation, access to federal preservation grant funds for planning and rehabilitation activities, possible tax benefits, and required application of Section 106 review should a federal or federally assisted action affect the property. Listing of a property places no restrictions on what nonfederal owners may do with their property, up to and including destruction of the property. Under federal regulations, should a property no longer meet the criteria for listing, the property shall be removed from the National Register.[41] As of March 2024, more than 98,000 properties are listed on the National Register.

National Historic Landmarks Program

The NHL program—like the National Register—is a federal recognition program administered by NPS. The agency is responsible for overseeing the nomination process for new NHLs and providing technical assistance to existing landmarks. NHLs are places of national significance to the history of the United States (as opposed to National Register properties, which, according to NPS, "are primarily of state and local significance").[42] The Historic Sites Act of 1935 created the NHL program, and NHPA Amendments of 1980 clarified the role of NPS as the entity responsible for overseeing the designation of NHLs.[43] All NHLs are also listed in the National Register. Funding for the NHL program falls under the National Register program, and NHLs are eligible for federal investment tax credits, technical assistance, and consideration in federal undertakings, similar to other properties on the National Register. With regard to federal undertakings, NHLs have a higher standard for protection than properties listed on the National Register. Whereas Section 106 of NHPA (applicable to properties on the National Register) requires only that

[37] 54 U.S.C. §302101.

[38] 54 U.S.C. §§302101-302108.

[39] For more information, see NPS, "National Register of Historic Places," at https://www.nps.gov/subjects/nationalregister/index.htm.

[40] Regulations for the National Register can be found at 36 C.F.R. §60. In March 2019, NPS issued a proposed rule that would modify nomination procedures for the National Register (84 *Federal Register* 6996, March 1, 2019). Among other provisions, the proposed changes would extend the timeline for the Keeper of the National Register to respond to appeals and ensure that if the owners of a majority of the land area in a proposed historic district object to listing, the proposed district will not be listed over their objection. In the report language for the FY2020 Interior Appropriations bill, both the House and Senate expressed concern regarding these proposed changes, indicating that such modifications "are not required" and that NPS "failed to appropriately conduct meaningful" consultation with appropriate stakeholders (H.Rept. 116-100 and S.Rept. 116-123).

[41] 36 C.F.R. §60.15(a)(1).

[42] NPS, "National Historic Landmarks: Frequently Asked Questions," at https://www.nps.gov/subjects/nationalhistoriclandmarks/faqs.htm.

[43] P.L. 96-515, Title II, §201(a), December 12, 1980, 94 Stat. 2988.

agencies "take into account" the effects of an undertaking on historic properties, Section 110(f) of NHPA, applicable to NHLs, requires that agencies "to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to the landmark."[44] As of March 2024, more than 2,600 NHLs have been designated.[45]

National Natural Landmark Program

NPS administers the National Natural Landmark Program, which "identifies and preserves natural areas that best illustrate the biological and geological character of the United States, enhances the scientific and educational values of preserved areas, strengthens public appreciation of natural history, and fosters a greater concern for the conservation of the nation's natural heritage."[46] Then- Secretary of the Interior, Steward Udall, established the program in 1962 pursuant to authority provided by the Historic Sites Act of 1935.[47] Designation is primarily for recognition purposes—it does not impose any new land use restrictions nor does it provide any federal funding for a site, unless otherwise provided. Since the program began, more than 600 sites have been designated as national natural landmarks.

World Heritage Program

The World Heritage Program is an international listing program for recognizing natural areas and cultural sites of exceptional ecological, scientific, or cultural importance.[48] The program was established pursuant to the Convention Concerning the Protection of the World Cultural and Natural Heritage ("the Convention"), an international treaty adopted in November 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO).[49] The treaty was subsequently approved by the U.S. Senate in 1973, and Congress authorized the Secretary of the Interior to direct the United States' participation in the Convention as part of amendments to NHPA in 1980.[50]

In accordance with NHPA and its implementing regulations, the Secretary—acting through the Assistant Secretary for Fish and Wildlife and Parks—is responsible for periodically nominating sites of international significance to the World Heritage Committee on behalf of the United States.[51] Under the Convention, participating countries agree to protect listed sites and monuments within their borders and refrain from actions that might harm such sites in other

[44] 54 U.S.C. §§306107 and 306108.

[45] NPS, "National Historic Landmarks," at https://www.nps.gov/subjects/nationalhistoriclandmarks/index.htm.

[46] 36 C.F.R. §62.1.

[47] 54 U.S.C. §320101. Congress has, at various times, recognized the National Natural Landmark program by including specific references to national natural landmarks in law. For example, the National Park System General Authorities Act of 1970, as amended, directs the Secretary of the Interior to prepare an annual report to the Congress identifying all landmarks that exhibit known or anticipated damage or threats to the integrity of their resources (54 U.S.C. §100507(e)).

[48] Specifically, the Convention Concerning the Protection of the World Cultural and Natural Heritage ("the Convention") states that such sites should be of "outstanding universal value," defined to mean "cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity." The Convention lists the criteria under which such determinations should be made. These criteria are similarly listed in the implementing regulations found at 36 C.F.R. §73.9.

[49] For more information on the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Heritage Convention, see CRS Report R42999, *The United Nations Educational, Scientific, and Cultural Organization (UNESCO)*, by Luisa Blanchfield and Marjorie Ann Browne.

[50] P.L. 96-515, Title IV, §402, Dec. 12, 1980, 94 Stat. 3000; codified at 54 U.S.C. §307101.

[51] 54 U.S.C. §307101. Implementing regulations are found at 36 C.F.R. Part 73.

countries. Ultimately, however, participation in the Convention does not give the United Nations authority over any World Heritage sites or related land-management decisions. As of January 2024, there were roughly 1,200 properties on the World Heritage List, including 25 sites located within the United States.[52]

National Trust for Historic Preservation

Congress chartered the National Trust for Historic Preservation (or National Trust) in 1949.[53] It is a private nonprofit corporation, responsible for encouraging the protection and preservation of historic American sites, buildings, and objects that are significant to the cultural heritage of the United States. The trust provides technical and educational services, promotes historic preservation activities, and administers several historic preservation grant programs.

Congress authorized federal funding for the National Trust in NHPA. Federal funding for the trust largely continued until FY1996, at which point the Interior Appropriations Act conference report stated that the managers agreed "to a 3-year period of transition for the National Trust for Historic Preservation to replace federal funds with private funding."[54] From FY1998 through FY2001, there was no federal funding for the National Trust. In FY2002, Congress appropriated from the HPF $2.5 million to use as an endowment to maintain and preserve National Trust historic properties.[55] In FY2003, Congress appropriated an additional $2.0 million from the HPF for the endowment and added $0.5 million more in FY2004.[56] In FY2005, Congress stopped funding the National Trust, and currently the organization's funding comes largely from private donations.[57]

Federal Historic Preservation Tax Incentives Program

In 1976, Congress passed the Tax Reform Act, which provided tax incentives for owners of historic structures to consider rehabilitation and preservation over demolition.[58] Some argued that the law prior to 1976 encouraged the demolition and redevelopment of historic properties over their preservation.[59]

Since then, tax law has continued to evolve into what is now the Federal Historic Preservation Tax Incentives program, which includes historic tax credits (HTCs) administered by the Internal Revenue Service (IRS) and NPS in partnership with SHPOs. The HTC program encourages private investment in historic preservation and rehabilitation initiatives by providing a 20% federal tax credit to property owners who undertake substantial rehabilitation of a certified

[52] For a full list of U.S. World Heritage sites, see http://whc.unesco.org/en/statesparties/US/.

[53] P.L. 81-408, ch. 755, §1, 63 Stat. 927.

[54] H.Rept. 104-402.

[55] P.L. 107-63. H.Rept. 107-103 indicates that Congress provided funding for the establishment of a National Trust Historic Sites Fund "to assist in the perpetual care and maintenance of the historic sites of the National Trust." The report language also established terms for the endowment account, including spending rates and record-keeping requirements. Congress has not appropriated federal funds to the endowment fund since FY2004, but the Trust continues to issue matching grants from the fund in support of historic properties.

[56] P.L. 108-7 and P.L. 108-108, respectively.

[57] The National Trust is still authorized to receive grants at the Secretary of the Interior's discretion (54 U.S.C. §302903).

[58] P.L. 94-455, 90 Stat. 1525.

[59] Stephen F. Weber, "Historic Preservation Incentives of the 1976 Tax Reform Act: An Economic Analysis," National Bureau of Standards, Technical Note 980, U.S. Department of Commerce, February 1979, at https://nvlpubs.nist.gov/nistpubs/Legacy/TN/nbstechnicalnote980.pdf.

historic structure while maintaining its historic character.[60] Eligible buildings include those listed on the National Register, or architecturally contributing to a National Register district, that are rehabilitated for income-producing purposes. The program previously included a separate 10% rehabilitation credit for the rehabilitation of nonhistoric, nonresidential buildings built before 1936; however, the 2017 tax revision repealed this credit.[61] According to NPS, from FY1977 through FY2023, over 49,000 projects have been completed under the program, with more than $131.71 billion leveraged in private investment for the rehabilitation of historic properties.[62]

National Heritage Areas Program[63]

Since 1984, Congress has designated 61 national heritage areas (NHAs) to recognize and assist efforts to protect, commemorate, and promote natural, cultural, historic, and recreational resources that form distinctive landscapes.[64] NHAs are partnerships among NPS, states, and local communities, in which NPS supports state and local conservation through federal recognition, seed money, and technical assistance. Congress has established heritage areas for lands that are regarded as distinctive because of their resources, their built environment, and the culture and history associated with the land and its residents. In a majority of cases, NHAs have had a fundamental economic activity as their foundation, such as agriculture, water transportation, or industrial development.

The National Heritage Area Act (P.L. 117-339), enacted in January 2023, established the National Heritage Area System. This act was the first comprehensive statute outlining formal criteria for designating NHAs and providing uniform standards for their funding and management. Previously, particulars for each area were provided in each NHA's enabling legislation, with no system-wide guidelines for how newly designated NHAs were to be administered and managed.

Historic Federal Property Disposal Programs[65]

Real property disposal is the process by which federal agencies identify and then transfer, donate, or sell real property they no longer need. The federal government has several programs that enable state, county, and local governments, as well as nonprofit organizations, to acquire at no cost properties deemed excess to the needs of a federal agency. Two programs in particular

[60] 26 U.S.C. §47.

[61] P.L. 115-97, Title I, §13402(a), (b)(1), Dec. 22, 2017, 131 Stat. 2134.

[62] NPS, "Federal Tax Incentives for Rehabilitating Historic Buildings: Annual Report for Fiscal Year 2023," March 2024.

[63] For a more complete discussion of national heritage areas (NHAs), see CRS Report RL33462, *National Heritage Areas: Background and Issues for Congress*, by Mark K. DeSantis.

[64] NPS reports 62 NHAs; see NPS, "National Heritage Areas," at https://www.nps.gov/subjects/heritageareas/index.htm. This is because NPS historically has provided funding to the Shenandoah Valley Battlefields National Historic District through the NPS Heritage Partnership Program budget account alongside the 61 components of the newly established NHA System. However, in establishing the new system under P.L. 117-339, Congress defined the components to include NHAs, National Heritage Corridors, National Heritage Canalways, Cultural Heritage Corridors, National Heritage Routes, and National Heritage Partnerships established before or on the date of enactment of the law. This definition appears to exclude the Shenandoah Valley Battlefields National Historic District; however, NPS has indicated it intends to continue providing financial and technical support to the district through the Heritage Partnership Program, unless otherwise directed (communication between NPS, Office of Legislative Affairs, and the Congressional Research Service, January 2023).

[65] For a general discussion of federal property disposal programs, see CRS Report R44377, *Disposal of Unneeded Federal Buildings: Legislative Proposals in the 114th Congress*, by Garrett Hatch.

address the disposal of historic properties under federal ownership: the Historic Surplus Property Program and the National Historic Lighthouse Preservation Act (NHLPA) Program.

Historic Surplus Property Program

The NPS Historic Surplus Property Program is administered in partnership with the General Services Administration (GSA) and was authorized under the Federal Property and Administrative Services Act of 1949, as amended.[66] When federally owned historic buildings are no longer needed by their respective agencies, GSA declares the buildings to be surplus.[67] Applicants interested in obtaining these properties—which must be listed, or eligible for listing, in the National Register—submit an application to GSA. Eligible applicants include states, counties, municipalities, tribes, and similar governmental entities.[68] NPS then makes a formal recommendation to GSA (or the Department of Defense, in the case of military properties) to affect the transfer of property. Once conveyed, a property must be managed and maintained in accordance with the terms of the transfer and the Secretary of the Interior's Standards for Rehabilitation.[69]

National Historic Lighthouse Preservation Act Program

NPS also administers a program to oversee the transfer of surplus historic lighthouses under federal ownership. Federal lighthouses and light stations were previously transferred to eligible entities through the Historic Surplus Property Program. In 2000, however, Congress passed the NHLPA, an amendment to NHPA.[70] The NHLPA provides a mechanism for the U.S. Coast Guard (USCG) to dispose of historic lighthouses that are listed, or determined to be eligible for listing, in the National Register. Similarly to other historic federal properties deemed to be excess, the NHLPA directs USCG to issue a *Report of Excess* for historic light stations to GSA, which then releases a notice of availability. At this point, interested parties looking to acquire the light station in question—at no cost—work with NPS to submit a formal application, which is then reviewed by an internal NPS review committee that makes a recommendation to the Secretary of the Interior and the GSA Administrator.[71] If there are no interested parties—or if no applicant meets the requirements set forth by the review committee—the property is offered for sale by competitive bid or auction.

National Historic Networks

Congress occasionally has passed legislation authorizing NPS to establish national networks aimed at coordinating the preservation and education efforts of various places, museums, and interpretive programs associated with specific historical moments or movements in U.S. history. To date, Congress has authorized the establishment of four such networks: the National Underground Railroad Network to Freedom (P.L. 105-203), the African American Civil Rights Network (P.L. 115-104), the Reconstruction Era National Historic Network (P.L. 116-9), and the

[66] P.L. 81-152, 63 Stat. 377 (codified in scattered sections of 40 U.S.C., 41 U.S.C., and 50 U.S.C.).

[67] In the case of military base closures, surplus determinations are made by the U.S. Department of Defense.

[68] Private and nonprofit organizations cannot acquire property under this program, but they are permitted to enter into long-term leases with recipients of historic surplus properties, provided the lease is approved by NPS.

[69] 36 C.F.R. §67.7. The Secretary of the Interior's Standards for Rehabilitation are the regulatory criteria used to determine if a rehabilitation project qualifies as a certified rehabilitation for the purposes of various federal programs.

[70] P.L. 106-355, 54 U.S.C. §§305101–305106.

[71] Eligible entities include federal agencies, state and local governments, nonprofit corporations, educational agencies, and community development organizations (54 U.S.C. §305101(2)).

World War II Heritage Cities Network (P.L. 116-9).[72] These laws have provided that network sites can include federal, state, local, and privately owned properties, although inclusion in the network requires consent from property owners. Congress has authorized the Secretary of the Interior to produce and disseminate educational materials, provide technical assistance to network sites, and develop an official symbol or logo for use across the network.

Federal Historic Preservation Grant Programs

The federal government supports historic preservation through a variety of grant programs. The largest source of funding for federal historic preservation programs is the HPF, which has funded state, tribal, and local historic preservation; African American civil rights grant programs; grants to underrepresented communities; tribal heritage grants; the Save America's Treasures program; disaster recovery grants; historic revitalization grants; and grants to HBCUs.

Several other federal historic preservation grant programs are funded through annual appropriations under other NPS accounts or are jointly administered by other executive agencies with NPS. These programs include grants for Japanese American confinement sites, historic vessel rehabilitation and interpretation, the protection of Native American gravesites and repatriation of remains, and preservation and acquisition grants for American battlefields. For a list of some of these programs and their guidelines, refer to the **Appendix**.

National Historic Designations

Table 1 highlights selected designations used by Congress and the executive branch for historic properties and sites. The table provides information on the entity that confers each designation (e.g., Congress, the President, the Interior or Agriculture Secretary), statutory authorities for the designation, the agency or agencies that administer each type of area (also noting designations for which the area typically is under nonfederal management), selected characteristics of the areas, and examples of each type of area. Designations for nonfederally owned and managed sites are listed according to the agency with administrative responsibility for the designation (e.g., responsibility for evaluating site qualifications and providing technical and/or financial assistance to designated sites).

[72] Legislation in the 116th Congress (H.R. 1179 and S. 2827) would have established another network, the African-American Burial Grounds Network. This bill did not become law; however, in 2022, Congress passed and the President signed the African American Burial Grounds Preservation Act (P.L. 117-328). This program, administered by NPS, is authorized to provide grants to federal agencies; state, local, and tribal governments; other public entities; educational institutions; historic preservation groups; and private nonprofit organizations for the purposes of identifying, preserving, and interpreting African American burial grounds. The law also authorized $3 million in federal funding for the program for each of FY2023-FY2027.

Table 1. Characteristics and Examples of Selected Historic Designations

Designation	Authorizing Entity	Authority for Designation[a]	Administering Agency[b]	Selected Characteristics	Examples
National Monument	Congress, President	Congressional designations: individual statutes Presidential proclamations: Antiquities Act of 1906 (54 U.S.C. §§320301-320303)	NPS, BLM, FS, FWS, other agencies	• Sites include both natural areas and areas of cultural, historical, and archaeological significance. • Presidentially proclaimed monuments must be on federal lands that contain historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest. The President is to reserve "the smallest area compatible with the proper care and management of the objects to be protected" (54 U.S.C. §320301(b)). • Allowed uses vary according to the establishing law or proclamation and the management framework of the administering agency.	Petroglyph National Monument (NM), P.L. 101-313 Pullman National Monument (IL), Presidential Proclamation no. 9233
National Historical Park	Congress	Individual statutes	NPS	• Preserve sites related to events or people of national historical significance. • Generally extend beyond a single building or property.	Blackstone River Valley National Historical Park (RI), P.L. 113-291, §3031 Cedar Creek and Belle Grove National Historical Park (VA), P.L. 107-373
National Historic Site	Congress or (for earlier sites) the Secretary of the Interior[c]	Congressional designations: individual statutes Secretarial designations: Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.)	NPS, FS, nonfederal entities[d]	• Most sites feature buildings of historical interest, such as the homes of notable individuals, public buildings where significant events occurred, or military forts.	Little Rock Central High School National Historic Site (AR), P.L. 105-356 Grey Towers National Historic Site (PA), P.L. 108-447, §348
National Historic Trail	Congress	National Trails System Act of 1968, as amended (16 U.S.C. §§1241-1251), plus individual statutes	NPS, FS, BLM, nonfederal entities[e]	• Identify and protect travel routes of national historic significance. • Can include land or water segments, marked highways paralleling the route, and sites that	Oregon National Historic Trail (ID, KS, MO, NE, OR, WY), P.L. 95-625

Designation	Authorizing Entity	Authority for Designation[a]	Administering Agency[b]	Selected Characteristics	Examples
				together form a chain or network along the historic route.	Star-Spangled Banner National Historic Trail (DC, MD, VA), P.L. 110-229
National Heritage Area	Congress	National Heritage Area Act (P.L. 117-339); individual statutes	Nonfederal entities	• Congress has established national heritage areas in support of community-centered initiatives to preserve historical, cultural, and natural resources. • Areas remain under state, local, and/or private control while receiving financial and technical aid from NPS.	Appalachian Forest National Heritage Area (MD, WV), P.L. 116-9, §6001 Mississippi Delta National Heritage Area (MS), P.L. 111-11, §8008
National Historic Landmark	Congress, Secretary of the Interior	Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.)	Mainly nonfederal entities[f]	• There are more than 2,600 national historic landmarks, selected for exceptional value or quality in illustrating or interpreting the heritage of the United States. • Most national historic landmarks are nonfederal properties that remain in nonfederal ownership and management. NPS provides technical but not financial assistance. Properties may qualify for historic preservation grants and historic tax credits. • Under Section 110(f) of NHPA (54 U.S.C. §306107), prior to approving any federal undertaking that may directly and adversely affect a national historic landmark, federal agencies must engage in planning and action to minimize harm to the landmark. • Under NHPA, all national historic landmarks are also added to the National Register of Historic Places.	Medgar and Myrlie Evers House National Historic Landmark (MS) (designated 2017) Deer Medicine Rocks National Historic Landmark (MT) (designated 2011) Juliette Gordon Low Historic District (GA) (designated 1965)
National Natural Landmark	Congress, Secretary of the Interior	Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.)	Mainly nonfederal entities[g]	• There are more than 600 national natural landmarks that contain significant examples of the nation's biological and/or geological features.	Dinosaur Trackway (CT) (designated 1968) Rock City (KS) (designated 1976)

Designation	Authorizing Entity	Authority for Designation[a]	Administering Agency[b]	Selected Characteristics	Examples
				• Designation does not impact land ownership, and participation in the program is entirely voluntary on the part of the landowner. No new land use restrictions are imposed as a result of designation.	Lanphere and Ma-le'l Dunes (CA) (designated 2021)
World Heritage Sites	Secretary of the Interior, UNESCO World Heritage Committee[h]	Convention Concerning the Protection of the World Cultural and Natural Heritage as approved by the Senate 54 U.S.C. §307101	Mainly NPS[i]	• Roughly 1,200 properties listed on the World Heritage List, including 25 sites located within the United States. • Cultural and natural heritage sites of "outstanding universal value." • Countries that are party to the Convention agree to protect listed sites and monuments within their borders and refrain from actions that might harm such sites in other countries.	Yellowstone National Park (WY, MT) (designated 1978) Statue of Liberty (NY) (designated 1984) Pueblo de Taos (NM) (designated 1992)
National Register of Historic Places	Congress, Secretary of the Interior	National Historic Preservation Act (54 U.S.C. §§300101 et seq.)	Mainly nonfederal entities[j]	• More than 98,000 properties are listed on the National Register. Properties are selected based on their significance in American history, architecture, archeology, engineering, and culture. • Most are nonfederal properties that remain in nonfederal ownership and management. NPS provides technical but not financial assistance. Properties may qualify for historic preservation grants and historic tax credits. • Under Section 106 of NHPA (54 U.S.C. §306108), prior to approving any federal undertaking that may directly and adversely affect a property listed on the National Register, federal agencies must engage in planning and action to minimize harm to the property.	Daniel Pratt Historic District (AL) (designated 1984) Nathaniel Irish House (PA) (designated 1972) Mountain Meadows Massacre Site (UT) (designated 2011) Oakland City Auditorium (NE) (designated 2019)

Source: Congressional Research Service (CRS).

Notes:

a. In addition to these statutory authorities for designation, the agencies more broadly administer lands under their "organic acts" and other statutory authorities.

b. BLM = Bureau of Land Management; FS = U.S. Forest Service; FWS = U.S. Fish and Wildlife Service; NPS = National Park Service. The column lists the agency or agencies that typically serve as primary administrators for each type of area. Although an agency serves as the overall administrator for a given area, some parcels of land within the area's boundaries may be owned and/or managed by another federal agency; by states, tribes, or localities; or by private owners.

c. The Secretary of the Interior has the authority to designate national historic sites under the Historic Sites Act of 1935 (54 U.S.C. §§320101 et seq.). However, this authority was limited in 1992 by an amendment to the Historic Sites Act stipulating that Congress must authorize the appropriation of any funds used to carry out secretarial designations (P.L. 102-575). Since then, only Congress has established national historic sites.

d. NPS administers 76 national historic sites and one international historic site (St. Croix Island on the Canadian border). FS manages one national historic site (Grey Towers National Historic Site in Pennsylvania). An additional nine national historic sites are nonfederally owned and administered but are NPS "affiliated areas," receiving technical and/or financial assistance from NPS.

e. For national historic trails, a single federal agency typically serves as the overall administrator, but lands along the trails may be owned and managed by multiple federal agencies, state and local governments, private groups, and individuals. For a more detailed discussion on the National Trails System, see CRS Report R43868, *The National Trails System: A Brief Overview*, by Mark K. DeSantis.

f. Some national historic landmarks are on federal lands and are managed by the federal agency that controls the land.

g. According to NPS, approximately 52% of national natural landmarks are administered by public agencies (which include federal agencies), more than 30% are entirely privately owned, and the remaining 18% are owned or administered by a mixture of public agencies and private owners.

h. NPS administers the U.S. World Heritage Program, and nominations of new World Heritage sites are put forth by the Department of the Interior's Assistant Secretary for Fish and Wildlife and Parks. Nominations and listing are ultimately considered by the World Heritage Committee, which is composed of 21 members elected by the parties to the Convention for six-year terms and oversees implementation of the World Heritage Convention.

i. Both federal and nonfederal properties may be nominated and listed as World Heritage sites; to date, the majority of U.S. World Heritage sites are under federal ownership (primarily units of the National Park System). For nonfederal property, the owner(s) must agree in writing before the property can be considered for inclusion.

j. Some properties listed on the National Register are on federal lands and are managed by the federal agency that administers the land.

Federal Funding for Historic Preservation[73]

The federal government supports historic preservation through direct appropriations for federally protected sites and grants to nonfederal entities. Grant funding is typically provided to NPS-administered accounts within the annual Interior, Environment, and Related Agencies Appropriations bill.[74] These accounts provide technical and financial assistance to state, local, and tribal governments; educational institutions; and nonprofit organizations with the goal of protecting cultural resources and promoting historic preservation activities across the United States. The majority of the funding is split between two NPS accounts: the HPF account, the primary source of funding for federal historic preservation programs, and the National Recreation and Preservation (NR&P) account, which provides funding for a variety of other congressionally authorized programs. Funding for historic preservation programs is not limited to these two accounts, nor does Congress exclusively fund historic preservation grant programs as part of the Interior appropriations bill.[75] **Table 2** and **Table 3** provide FY2014-FY2023 appropriations figures for programs funded as part of the HPF and NR&P accounts, as well as the most recently enacted totals for FY2024.

HPF: Actual FY2014-FY2023 and Enacted FY2024 Appropriations

In 2016, Congress reauthorized deposits of $150 million annually into the HPF for FY2017 through FY2023. In October 2023, this authorization expired; however, on March 9, 2024, the authorization of deposits was extended through FY2024 as part of the Interior appropriations law. Historically, annual appropriations from the account have been less than the $150 million deposited amount; however, appropriations from the HPF have generally increased from FY2014 to FY2023 in both nominal and inflation-adjusted dollars, and in FY2022 and FY2023, the appropriated amount exceeded the annual deposit to the HPF.[76] After inflation is accounted for, the FY2023 total HPF appropriation of $204.5 million ($160.8 million in inflation-adjusted terms) reflects a nearly threefold increase from the FY2014 funding level. On March 9, 2024, Congress passed and the President signed P.L. 118-42, enacting full-year FY2024 appropriations for NPS. This included $188.7 million in HPF funding, reflecting an 8% reduction in nominal terms from FY2023 levels and a 10% reduction in inflation-adjusted terms. For more information on HPF appropriations trends, see **Table 2**.

Historically, the largest portion of funding from the HPF account has been allocated to grants-in-aid to SHPOs and THPOs. Funding for SHPOs rose by 32% in nominal dollars and 4% in inflation-adjusted dollars from FY2014 to FY2023. Annual appropriations for THPO grants-in-aid nearly tripled from FY2014 to FY2023 in nominal dollars and more than doubled in inflation-

[73] For more information on appropriations to NPS accounts, see CRS Report R42757, *National Park Service (NPS) Appropriations: Ten-Year Trends*, by Laura B. Comay.

[74] At times, Congress also has provided funding as part of supplemental emergency appropriations legislation, such as in the aftermath of natural disasters.

[75] For example, Battlefield Acquisition grants for the American Battlefield Protection Program are funded from the Land and Water Conservation Fund (LWCF; 54 U.S.C. §§200301 et seq.). The LWCF is a mandatory fund, although appropriators have a role in the allocation of the funding. For more information on the LWCF, see CRS In Focus IF12256, *Land and Water Conservation Fund (LWCF): Frequently Asked Questions*, by Carol Hardy Vincent. As another example, the Maritime Heritage Grant program receives funding through the Department of Transportation's Maritime Administration.

[76] Inflation-adjusted figures are calculated using the GDP Chained Price Index from the White House Office of Management and Budget, "Historical Tables, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables—1940-2029," at https://www.whitehouse.gov/omb/budget/historical-tables/.

adjusted dollars. For FY2024, Congress appropriated $62.15 million for SHPO grants-in-aid and $23.00 million for THPO grants-in-aid, consistent with FY2023 levels.

From FY2014 to FY2023, Congress also increased funding for various competitive grant programs and—since FY2022—appropriated additional funding for congressionally directed spending projects. In FY2014, Congress appropriated $500,000 in funding for one competitive grant program to support surveying and documenting historic properties associated with communities underrepresented on the National Register and in the National Historic Landmark Program. Since then, Congress has provided funding for a variety of other grant programs that support sites associated with the African American civil rights movement, grants to preserve the history of equal rights, and grants to celebrate the Semiquincentennial of the United States in 2026, among others. In FY2023, Congress appropriated $90.25 million for multiple grant programs, as well as an additional $29.12 million for community project funding/congressionally directed spending. Enacted appropriations for FY2024 saw a roughly 7% reduction from FY2023 levels for competitive grant program funding ($83.75 million) and a 32% reduction for community project funding/congressionally directed spending ($19.77 million).

Table 2. Historic Preservation Fund (HPF) Appropriations

($ in millions)

(Figures in parentheses reflect inflation-adjusted dollars)

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024[a]
State Historic Preservation Offices (SHPOs)[b]	46.9 *(46.9)*	46.9 *(46.4)*	46.9 *(46.0)*	47.9 *(46.2)*	48.9 *(46.1)*	49.7 *(45.9)*	52.7 *(48.0)*	55.7 *(49.1)*	57.7 *(47.5)*	62.2 *(48.9)*	62.2 *(47.7)*
Tribal Historic Preservation Offices (THPOs)[c]	9.0 *(9.0)*	9.0 *(8.9)*	10.0 *(9.8)*	10.5 *(10.1)*	11.5 *(10.8)*	11.7 *(10.8)*	13.7 *(12.5)*	15.0 *(13.2)*	16.0 *(13.2)*	23.0 *(18.1)*	23.0 *(17.7)*
Competitive Grants	0.5 *(0.5)*	.05 *(0.5)*	8.5 *(8.3)*	13.5 *(13.0)*	13.5 *(12.7)*	15.3 *(14.1)*	18.8 *(17.1)*	21.1 *(18.6)*	27.6 *(22.8)*	30.3 *(23.8)*	30.3 *(23.2)*
African American Civil Rights	— —	— —	8.0 *(7.8)*	13.0 *(12.5)*	13.0 *(12.2)*	14.5 *(13.4)*	15.5 *(14.1)*	16.8 *(14.8)*	21.8 *(17.9)*	24.0 *(18.9)*	24.0 *(18.4)*
History of Equal Rights Grant Program[d]	— —	— —	— —	— —	— —	— —	2.5 *(2.3)*	3.4 *(3.0)*	4.6 *(3.8)*	5.0 *(3.9)*	5.0 *(3.8)*
Underrepresented Communities	0.5 *(0.5)*	0.5 *(0.5)*	0.5 *(0.5)*	0.5 *(0.5)*	0.5 *(0.5)*	0.8 *(0.7)*	0.8 *(0.7)*	1.0 *(0.9)*	1.3 *(1.0)*	1.3 *(1.0)*	1.3 *(1.0)*
Paul Bruhn Historic Revitalization Grant Program	— —	— —	— —	— —	5.0 *(4.7)*	5.0 *(4.6)*	7.5 *(6.8)*	7.5 *(6.6)*	10.0 *(8.2)*	12.5 *(9.8)*	10.0 *(7.7)*
Historically Black Colleges and Universities Grants	— —	— —	— —	4.0 *(3.9)*	5.0 *(4.7)*	8.0 *(7.4)*	10.0 *(9.1)*	10.0 *(8.8)*	10.0 *(8.2)*	11.0 *(8.7)*	11.0 *(8.4)*
Semiquincentennial Preservation Grants	— —	— —	— —	— —	— —	— —	— —	10.0 *(8.8)*	10.0 *(8.2)*	10.0 *(7.9)*	7.0 *(5.4)*
Save America's Treasures	— —	— —	— —	5.0 *(4.8)*	13.0 *(12.2)*	13.0 *(12.0)*	16.0 *(14.6)*	25.0 *(22.0)*	26.5 *(21.8)*	26.5 *(20.8)*	25.5 *(19.6)*
Congressionally Directed Spending[e]	— —	— —	— —	— —	— —	— —	— —	— —	15.3 *(12.6)*	29.1 *(22.9)*	19.77 *(15.2)*
Supplemental Appropriations	— —	— —	— —	— —	50.0[f] *(47.1)*	50.0[g] *(46.1)*	— —	— —	— —	— —	— —
TOTAL HPF	**56.4** ***(56.4)***	**56.4** ***(55.8)***	**65.4** ***(64.1)***	**80.9** ***(77.9)***	**146.9** ***(138.3)***	**152.7** ***(140.9)***	**118.7** ***(108.1)***	**144.3** ***(127.2)***	**173.1** ***(142.7)***	**204.5** ***(160.8)***	**188.7** ***(144.9)***

Sources: CRS, with data from annual NPS Budget Justifications for FY2016-FY2025. Figures for each of FY2014-FY2023 were taken from the volume published two years following the fiscal year in question (e.g., for FY2016, figures are from the FY2018 document) and reflect actual totals. Figures for FY2024 reflect enacted totals. Figures in parentheses reflect totals adjusted for inflation (shown in 2014 dollars) using the GDP Chained Price Index from the White House Office of Management and Budget, "Historical Tables, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables—1940-2029," at https://www.whitehouse.gov/omb/budget/historical-tables/.

Notes: Figures may not sum to exact totals shown because of rounding. An em dash ("—") indicates that no federal funding was provided or requested for a given program.

a. Figures for FY2014-FY2023 reflect actual totals. FY2024 figures reflect enacted totals.

b. SHPO funding includes the statutorily required 10% pass-through to certified local governments.

c. Tribal Heritage Grants are funded through moneys reallocated from the Tribal Preservation Office line item.

d. As part of the FY2020 funding bill, Congress provided funding for a new grant program that would "preserve and highlight the sites and stories associated with securing civil rights for All Americans, including women, American Latino, Native American, Alaska Native, Native Hawaiian, and LGBTQ Americans" (H.Rept. 116-100). In subsequent years, Congress has provided funding for this program under the moniker, "History of Equal Rights program" (e.g., see the joint explanatory statement for P.L. 117-328).

e. In FY2022, FY2023, and FY2024, Congress provided funding for certain individual projects in annual appropriations laws as community project funding/congressionally directed spending (sometimes referred to as "earmarks").

f. In FY2018, Congress appropriated $50 million for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria pursuant to the Further Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (P.L. 115-123).

g. In FY2019, Congress appropriated $50 million for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu pursuant to the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (P.L. 116-20).

NR&P: Actual FY2014-FY2023 and Enacted FY2024 Appropriations

In addition to grant funds through the HPF account, Congress provides funding to other NPS-administered historic preservation grant programs under the NR&P account. This account provides for a broad range of activities related to historic and cultural preservation, as well as programs for recreational activities, natural resource conservation, environmental compliance, operations of the Office of International Affairs, and NHAs. Appropriations for the NR&P account generally increased from FY2014 to FY2023 in both nominal and inflation-adjusted dollars. After inflation is accounted for, the FY2023 total NR&P appropriation of $92.5 million (P.L. 117-328) reflects a 20% increase from the FY2014 funding level. Enacted FY2024 appropriations totaled $91.2 million, a 1% decrease from FY2023 levels. For more information on NR&P appropriations trends, see **Table 3**.

The largest activity in the NR&P account is Cultural Programs, which supports a variety of cultural resource, historic preservation, and other financial assistance programs. This includes administration of the National Register, grantmaking under NAGPRA, and operation of the National Center for Preservation, Technology and Training. Overall funding for the Cultural Programs activity rose by 25% in inflation-adjusted terms from FY2014 to FY2023; however, some of this increase can be attributed to the funding of additional programs within the Cultural Programs activity rather than increased funding for existing programs. This includes the transfer of the Grants Administration line item to the Cultural Programs activity, approved by Congress in FY2020. Prior to FY2020, Grants Administration was funded as a separate line item. Funding trends for other individual programs within the Cultural Programs activity varied over the same time period. For example, adjusted for inflation, funding for National Register programs; the National Center for Preservation, Technology and Training; and the ABPP Assistance grants decreased by 16%, 18%, and 31%, respectively, over the course of the decade. Enacted FY2024 appropriations for the Cultural Programs activity remained unchanged from FY2023 levels, totaling $39.3 million.

In addition, in FY2022, FY2023, and FY2024, Congress provided funding for certain congressionally directed spending projects under the Statutory and Contractual Aid activity. Total appropriations for FY2022, FY2023, and FY2024 were $3.5 million, $2.9 million, and $1.6 million, respectively. Projects that were selected dealt with beach conservation, trail connectivity, community park development, and more.

Table 3. NPS's National Recreation and Preservation (NR&P) Account Appropriations

($ in millions)

(Figures in parentheses reflect inflation-adjusted dollars)

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024[a]
Natural Programs[b]	13.5 *(13.5)*	13.6 *(13.4)*	13.6 *(13.3)*	13.6 *(13.1)*	14.2 *(13.3)*	14.2 *(13.1)*	15.8 *(14.4)*	16.0 *(14.1)*	16.5 *(13.6)*	18.6 *(14.6)*	18.6 *(14.3)*
International Park Affairs	1.6 *(1.6)*	1.6 *(1.6)*	1.6 *(1.6)*	1.6 *(1.6)*	1.6 *(1.6)*	1.6 *(1.5)*	1.9 *(1.7)*	1.9 *(1.7)*	2.0 *(1.6)*	2.0 *(1.6)*	2.0 *(1.5)*
Environmental Compliance and Review	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*	0.4 *(0.4)*
Heritage Partnership Programs[c]	18.3 *(18.3)*	20.3 *(20.1)*	19.8 *(19.4)*	19.8 *(19.1)*	20.3 *(19.1)*	20.3 *(18.8)*	21.9 *(20.0)*	22.9 *(20.2)*	27.1 *(22.4)*	29.2 *(23.0)*	29.2 *(22.5)*
Grants Administration[d]	1.7 *(1.7)*	2.0 *(2.0)*	2.0 *(2.0)*	2.0 *(1.9)*	2.0 *(1.9)*	2.0 *(1.9)*	— —	— —	— —	— —	— —
Cultural Programs	24.7 *(24.7)*	24.6 *(24.3)*	24.6 *(24.1)*	24.6 *(23.7)*	25.1 *(23.6)*	25.6 *(23.6)*	31.1 *(28.4)*	31.9 *(28.1)*	34.4 *(28.4)*	39.3 *(30.9)*	39.3 *(30.2)*
National Register Programs	16.6 *(16.6)*	16.8 *(16.6)*	16.8 *(16.5)*	16.8 *(16.2)*	16.8 *(15.8)*	16.8 *(15.5)*	16.6 *(15.1)*	16.8 *(14.8)*	17.2 *(14.2)*	17.7 *(13.9)*	17.7 *(13.6)*
National Center for Preservation, Technology, and Training	2.0 *(2.0)*	2.0 *(1.9)*	2.0 *(1.9)*	2.0 *(1.9)*	2.0 *(1.9)*	2.0 *(1.8)*	2.0 *(1.8)*	2.0 *(1.8)*	2.0 *(1.7)*	2.1 *(1.6)*	2.1 *(1.6)*
Native American Graves Protection and Repatriation Grants (NAGPRA)[e]	1.7 *(1.7)*	1.7 *(1.6)*	1.7 *(1.6)*	1.7 *(1.6)*	1.7 *(1.6)*	1.7 *(1.5)*	1.9 *(1.7)*	1.9 *(1.7)*	2.2 *(1.8)*	3.4 *(2.7)*	3.4 *(2.6)*
Japanese American Confinement Site Grants	3.0 *(3.0)*	2.9 *(2.9)*	2.9 *(2.8)*	2.9 *(2.8)*	2.9 *(2.7)*	2.9 *(2.7)*	3.2 *(2.9)*	3.2 *(2.8)*	3.4 *(2.8)*	4.7 *(3.7)*	4.7 *(3.6)*
American Battlefield Protection Program (ABPP) Assistance Grants[f]	1.4 *(1.2)*	1.2 *(1.2)*	1.2 *(1.2)*	1.2 *(1.2)*	1.2 *(1.1)*	1.2 *(1.1)*	1.2 *(1.1)*	1.2 *(1.1)*	1.2 *(1.0)*	1.2 *(0.9)*	1.2 *(0.9)*
American Indian and Native Hawaiian Art and Culture Grants[g]	— —	— —	— —	— —	0.5 *(0.5)*	1.0 *(0.9)*	1.5 *(1.4)*	1.3 *(1.1)*	1.5 *(1.2)*	2.8 *(2.2)*	2.8 *(2.1)*
9/11 Memorial Grants[h]	— —	— —	— —	— —	— —	— —	2.0 *(1.8)*	2.5 *(2.2)*	2.8 *(2.3)*	4.0 *(3.1)*	4.0 *(3.1)*

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024[a]
Oklahoma City Endowment[i]	—	—	—	—	—	—	—	—	1.0	—	—
	—	—	—	—	—	—	—	—	*(0.8)*	—	—
Grants Administration	—	—	—	—	—	—	2.8	3.1	3.2	3.6	3.6
	—	—	—	—	—	—	*(2.6)*	*(2.7)*	*(2.6)*	*(2.8)*	*(2.8)*
Statutory and Contractual Aid	—	—	—	—	—	—	—	—	3.5	2.9	1.6
	—	—	—	—	—	—	—	—	*(2.9)*	*(2.3)*	*(1.3)*
TOTAL NR&P	**60.8**	**63.1**	**62.6**	**62.6**	**63.6**	**64.1**	**71.2**	**74.2**	**83.9**	**92.5**	**91.2**
	(60.8)	***(62.4)***	***(61.4)***	***(60.3)***	***(59.9)***	***(59.2)***	***(64.8)***	***(65.4)***	***(69.2)***	***(72.7)***	***(70.1)***

Source: CRS, with data from the annual NPS Budget Justifications for FY2016-FY2025. Figures for each of FY2014-FY2023 were taken from the volume published two years following the fiscal year in question (e.g., for FY2016, figures are from the FY2018 document) and reflect actual totals. Figures for FY2024 reflect enacted totals. Figures in parentheses reflect totals adjusted for inflation (shown in 2014 dollars) using the GDP Chained Price Index from the White House Office of Management and Budget, "Historical Tables, Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables—1940-2029," at https://www.whitehouse.gov/omb/budget/historical-tables/.

Notes: Figures may not sum to exact totals shown because of rounding. An em dash ("—") indicates that no federal funding was provided or requested for a given program.

a. Figures for FY2014-FY2023 reflect actual totals. FY2024 figures reflect enacted totals.

b. Prior to FY2018, the Federal Lands to Parks program was funded under a separate line item—Recreation Programs. Since FY2018, this program has been consolidated under the Natural Programs sub-activity. Amounts for FY2014-FY2017 include funding for Federal Lands to Parks.

c. Heritage Partnership Programs includes both direct commissions and grants to national heritage areas as well as administrative costs for the program. Its appropriations grew over the decade by 26% in inflation-adjusted dollars; however, some of these increases are attributable to Congress increasing funding because of the establishment of new heritage areas. Of the existing 61 national heritage areas, 13 were established since 2019.

d. The FY2020 and FY2021 budget requests propose a transfer of the Grants Administration line item to the Cultural Programs sub-activity. Congress approved this transfer in FY2020. The sub-activity funding is listed under Cultural Programs for both FY2020 and FY2021.

e. NAGPRA funding under the NR&P account is intended for the NAGPRA grant program, not general operating support for the larger NAGPRA program, which is traditionally funded as part of the Operations of the National Park System line item under the Resource Stewardship sub-activity. The grant program was authorized by Congress in 1990 as part of the Native American Graves Protection and Repatriation Act (P.L. 101-601). For more information on NAGPRA, see CRS In Focus IF12523, *Repatriation of Native American Remains and Cultural Items: Requirements for Agencies and Institutions*, by Mark K. DeSantis and Nik Taylor.

f. ABPP Assistance Grants under NR&P are only for the ABPP Planning Grant Program. The ABPP Land Acquisition Grant Program, Battlefield Interpretation Modernization Grant Program, and the Battlefield Restoration Grant Program receive appropriations under the Land Acquisition and State Assistance line item from Land and Water Conservation Fund funds. Congress authorized this program in 1996 with the American Battlefield Protection Act (P.L. 104-333, Div. I, Title VI, §604) and has subsequently reauthorized and expanded the program multiple times. For more information on the ABPP, see CRS In Focus IF11329, *American Battlefield Protection Program*, by Mark K. DeSantis.

g. Congress provided funding for this program in FY2018, FY2019, and FY2020 pursuant to the authority granted in the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act, as amended (P.L. 99-498). Per the accompanying joint explanatory statement for the FY2018 Interior appropriations

law, P.L. 115-141, Congress appropriated $500,000 in funding for "the purpose of supporting programs for Native Hawaiian or Alaska Native culture and arts development" (Joint Explanatory Statement on H.R. 1625, *Congressional Record*, daily edition, vol. 164, part 2, March 22, 2018, p. H2615). The committee directed the Department of the Interior to "consider funding the Northwest Coast arts program as outlined by the memorandum of agreement between the Institute of American Indian Arts and the Sealaska Heritage Institute." The FY2019 appropriations law included an additional $500,000 for a total of $1 million program cost. In the accompanying conference report, Congress directed these funds to be "utilized consistent with the direction outlined in the explanatory statement accompanying P.L. 115-141" (H.Rept. 116-9). The FY2020 joint explanatory statement provided $1.5 million for this grant program (Joint Explanatory Statement on H.R. 1865/P.L. 116-94, p. 597).

h. Congress first provided funding for this program in FY2020, as authorized by the 9/11 Memorial Act (P.L. 115-413), which provides support for the operation, security, and maintenance of memorials commemorating the events of, and honoring the victims of, the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, at the site of the attacks.

i. Congress provided $1.0 million in one-time funding to the endowment for the nonprofit Oklahoma City National Memorial Foundation that owns and operates the Oklahoma City National Memorial. The Oklahoma City National Memorial Act Amendments of 2003 (P.L. 108-199) authorized appropriations of $5.0 million for the Oklahoma City Memorial endowment fund. The endowment had previously received $4.0 million from the General Services Administration appropriations (FY2005 and FY2010). The William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283) authorized an appropriation for the endowment from NPS's NR&P account.

Issues for Congress

Historic preservation programs are of perennial interest to Congress and have been the subject of congressional oversight and legislation in the 118th Congress. Some Members of Congress support proposals to eliminate or reduce the federal government's role in both administering and financing historic preservation programs, leaving such programs to be sustained by other levels of government or by private support. Others feel that a federal role in supporting historic preservation should be maintained or expanded. Similarly, some advocates believe there may be an inherent or increased tension between preservationist goals and federally controlled or licensed infrastructure projects.[77]

HPF Funding Levels

The majority of federal programs for historic preservation receive funding through the annual appropriations process. Members of Congress as well as current and past Administrations have expressed various opinions as to how federal funding for these programs should be allocated and at what levels. In particular, funding both into and from the HPF has been of particular interest to both Members and stakeholders.

Until FY2022, Congress had never appropriated the full annual deposit of $150 million for the fund in a single fiscal year (not counting emergency supplemental appropriations). During the Trump Administration, NPS budget requests for FY2020 and the FY2021 would have significantly reduced discretionary appropriations for the HPF, providing no funding for African American civil rights grant programs, grants to underrepresented communities, the Save America's Treasures program, or historic revitalization grants. Some Members of Congress expressed concern that the proposed reduction in grant funding would impact the ability of communities to protect and maintain culturally and historically important resources.[78] Others—including some NPS officials—expressed the position that "core" NPS priorities such as infrastructure and the NPS maintenance backlog should take priority when considering the appropriation of federal funds.[79] By contrast, the Biden Administration has requested funding that surpasses the annual deposit amount of $150 million in each fiscal year budget.[80] In general, funding for the HPF has increased from FY2014-FY2023, with Congress expanding or authorizing new competitive grant programs and, in some years, providing funding for congressionally directed spending, among other increases.

Despite these increases, some Members and stakeholders have raised concerns about the adequacy of funding for certain HPF programs, particularly grants-in-aid to SHPOs and THPOs. Proponents of increased funding have asserted that funding levels have not kept pace with the

[77] For example, see Christopher Castaneda, "History Beneath the Surface: Natural Gas Pipelines and the National Historic Preservation Act," *The Public Historian*, vol. 26, no. 1 (2004), 105-22. https://doi.org/10.1525/tph.2004.26.1.105. See also U.S. Congress, House Committee on Natural Resources, Subcommittee on Oversight and Investigations, *Examining Impacts of Federal Natural Resources Laws Gone Astray*, 115th Cong., 1st sess., July 18, 2017, H.Hrg. 115-16.

[78] U.S. Congress, House Natural Resources, National Parks, Forests, and Public Lands, *Examining the Spending Priorities and Mission of the National Park Service*, 116th Cong., April 3, 2019.

[79] Testimony of P. Daniel Smith of the National Park Service, in U.S. Congress, Subcommittee on Interior, Environment, and Related Agencies of the House Committee on Appropriations, hearings, 116th Cong., 1st sess., Apr. 3, 2019.

[80] The Administration's requests for FY2022-FY2025 were $151.8 million, $151.8 million, $177.9 million, and $151.4 million, respectively. See NPS, *Budget Justifications and Performance Information Fiscal Year 2022, 2023, 2024*, and *2025*.

increase in SHPO and THPO federally delegated responsibilities, including Section 106 project reviews.[81] According to NPS estimates, SHPOs reviewed more than 106,000 federal undertakings in 2022, the most recent year for which data are available.[82] Such proponents note that demands on SHPOs and THPOs may increase with implementation of projects pursuant to laws such as the Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58), enacted in 2021.[83] THPO grant-in-aid funding has been of particular concern to some Members and stakeholders, particularly because of the increase in authorized THPOs for federally recognized tribes since the start of the program in 1996.[84] Although THPO grants-in-aid nearly tripled from FY2014 to FY2023 in nominal dollars and more than doubled in inflation-adjusted dollars, some stakeholders have noted that such increases do not account for shortfalls in funding for prior years.[85]

Authorization for Deposits into the HPF

Congress has, at various times, considered legislation to extend, increase, or otherwise amend the funding authorization for the deposits into the HPF. In 2016, Congress reauthorized deposits of $150 million annually into the HPF for FY2017 through FY2023. In October 2023, funding authorization for the HPF expired. On March 9, 2024, funding was reauthorized through FY2024 as part of the Interior appropriations law. In recent years, Congress has considered bills that would permanently authorize deposits into the HPF, make appropriations from the fund mandatory, and increase annual deposits above the current $150 million.[86] Proponents for such changes contend that such proposals provide support and much needed certainty for states, tribes, and communities to properly carry out historic preservation activities.[87] In addition, supporters note that the $150 million in annual deposits to the HPF has remained unchanged since its inception in 1976 and that increases may be needed to account for inflation and modern preservation needs.[88]

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[81] See Ramona M. Bartos, Conference of State Historic Preservation Officers, Statement for the Record before the House Natural Resources Committee, Subcommittee on National Parks, Forests, and Public Lands, U.S. House of Representatives, April 28, 2022, at https://ncshpo.org/wp-content/uploads/2022/06/Statement-for-the-Record-Hearing-H.R.-6589-HPEA.pdf. Hereinafter "Bartos (2022)."

[82] NPS, *Historic Preservation Fund Annual Report FY2022*, http://npshistory.com/publications/preservation/hpf-ann-rpt/2022.pdf.

[83] Bartos (2022).

[84] Letter from Representatives Grijalva, Kamlager-Dove, Beyer, Leger Fernandez, Stansbury, and Magazine, U.S. Congress, to Hon. Deb Haaland, Secretary of the Interior, February 7, 2024, https://democrats-naturalresources.house.gov/imo/media/doc/2024-02-07_moc_letter_to_sechaalandrequestingthposfundingincrease.pdf. See also, Valerie J. Grussing, National Association of Tribal Historic Preservation Officers, Statement for the Record before the House Appropriations Committee, Fiscal Year 2021 Interior, Environment, and Related Agencies Appropriations, U.S. House of Representatives, February 6, 2020, at https://www.congress.gov/116/meeting/house/110491/witnesses/HHRG-116-AP06-Wstate-GrussingV-20200211.pdf.

[85] For example, in the first year of congressional funding support for THPOs (FY1996), the original 12 THPOs each received an average of $80,000, while in FY2022, 208 THPOs received an average of $77,000, in nominal dollars.

[86] For example, H.R. 3350 in the 118th Congress would increase annual deposits into the HPF from $150 million to $250 million. In the 117th Congress, H.R. 6589, the Historic Preservation Enhancement Act, would have permanently authorized the HPF, increased annual deposits to the HPF from $150 million to $300 million, and made such deposits available for expenditure without further appropriation.

[87] See Rep. Teresa Leger Fernández, "Subcommittee on National Parks, Forests, and Public Lands Holds Hearing on Rep. Leger Fernández's Historic Preservation Enhancement Act," press release, April 29, 2022, at https://fernandez.house.gov/media/press-releases/subcommittee-national-parks-forests-and-public-lands-holds-hearing-rep-leger. See also National Trust for Historic Preservation, Statement for the Record before the House Natural Resources Committee, Subcommittee on National Parks, Forests, and Public Lands, U.S. House of Representatives, April 28, 2022. Hereinafter "National Trust (2022)."

[88] National Trust (2022).

Some Members have objected to the proposed increases in authorized funding amounts because of broader concerns regarding the federal deficit.[89] In addition, shifting HPF funding from discretionary spending to mandatory spending has raised concerns regarding how revenue generated by outer continental shelf mineral receipts should be used and whether mandatory funding for the HPF would impact other mandatory spending programs funded through these receipts.[90] Shifting HPF funding to mandatory spending may also reduce the ability of Congress to conduct oversight. The appropriations committees in Congress control discretionary spending through the annual appropriations process and can modify discretionary appropriations on the basis of oversight or other considerations. In contrast, the amount and availability of mandatory—or direct—spending is generally not determined through annual appropriations acts and are more typically considered in legislation considered by authorizing committees.

Section 106 and Federal Projects

Concerns have been raised regarding the Section 106 process and its impact on both historic properties and federal projects. For instance, some have argued that the "stop, look, and listen" approach under Section 106 of NHPA does not provide adequate protection for historic resources, because the law establishes a procedural requirement only for federal agencies.[91] According to a study commissioned by the National Trust in 2010, NPS reported to Congress that only 2% of all SHPO reviews for Section 106 compliance included findings of adverse effects to historic properties.[92] For those undertakings that are deemed to have an adverse effect on a given historic property, the agency in question is only required to consider these effects—with no explicit legal mandate requiring them to address these potential impacts. In other words, although agencies are compelled to consult with the SHPO/THPO to develop solutions to mitigate effects, agency officials are not required to pursue the solutions, regardless of any adverse effects. As a result, some preservation advocates have charged that NHPA fails to adequately protect cultural and historic sites.[93]

Others suggest that Section 106 compliance results in unnecessary and costly delays and have suggested that in some cases, opponents of specific federal projects may invoke Section 106 procedural steps in the hopes of delaying approval for a project—sometimes to the point of impacting a project's feasibility.[94] Although federal regulations provide certain ways for agencies

[89] U.S. Congress, House Committee on Natural Resources, Subcommittee on Federal Lands, *Legislative Hearing on H.R. 6589*, 117th Cong., 2nd sess., April 28, 2022.

[90] Ibid.

[91] Brody Hinds, "Twenty-Five Years Later: The Amendments to the National Historic Preservation Act and Tribal Consultation," *American Indian Law Review*, vol. 42, no. 1 (2017), pp. 141-71, at https://www.jstor.org/stable/26492275. Federal courts have referred to both NHPA and the National Environmental Policy Act (NEPA) as "stop, look, and listen" statutes. Their purpose is to establish a process of consideration for alternative solutions but not mandate that the permitting agency pursue a solution that might arise from this process. For more context on the "stop, look, and listen" principle, see Narragansett Indian Tribe v. Warwick Sewer Auth., 334 F.3d 161, 166 (1st Cir. 2003) (quoting Muckleshoot Indian Tribe v. U.S. Forest Serv., 177 F.3d 800, 805 (9th Cir. 1999) (per curiam)).

[92] Leslie E. Barras, "Summary" in *Section 106 of the National Historic Preservation Act: Back to Basics*, 2010, p. 3, at https://bpb-us-w2.wpmucdn.com/sites.wustl.edu/dist/a/3075/files/2021/12/Section-106-Historic-Preservation-Summary-Report.pdf.

[93] Amanda M. Marincic, "The National Historic Preservation Act: An Inadequate Attempt to Protect the Cultural and Religious Sites of Native Nations," *Iowa Law Review*, vol. 103, no. 1 (2018), pp. 1777-1809, at https://ilr.law.uiowa.edu/sites/ilr.law.uiowa.edu/files/2023-02/ILR-103-4-Marincic.pdf.

[94] Thomas F. King, *Saving Places That Matter: A Citizen's Guide to the National Historic Preservation Act* (Walnut Creek, CA: Left Coast Press, Inc., 2007), p. 18 ("The power of Section 106 is largely the power to delay a project and make it more costly than its proponents can tolerate.").

to tailor the Section 106 process to their needs,[95] some stakeholders have asserted that these options are time-consuming to implement and not flexible enough for undertakings that involve new or emerging technologies.[96] Multiple bills have been introduced to exempt or limit NHPA reviews for certain projects, such as hazardous fuel removal projects on national forestlands, rail and transit infrastructure projects, and Federal Communications Commission-authorized communications projects.[97]

Other Congressional Considerations

Other programs that directly or indirectly support historic preservation also have received attention in recent years. For example, Congress has considered the efficacy and usage of the HTC program, issues related to eligibility and listing for federal historic preservation programs, and proposals for new federal land designations for historic properties.

In recent years, Congress has considered a number of bills that would amend the HTC program. These include proposals to permanently increase the rehabilitation credit from 20% to 30% for certain small-scale rehabilitation projects, lower the threshold for what constitutes "substantially rehabilitated" to allow for broader usage of the HTC, and make other changes aimed at encouraging more building reuse and redevelopment.[98] Such proposals have been introduced as a result of perceived challenges that historic rehabilitation projects have faced, in part due to the COVID-19 pandemic, which, according to some stakeholders, has resulted in increased costs and made access to capital for rehabilitation projects more difficult.[99]

Issues related to eligibility and standards for inclusion in federal historic preservation programs have also been of interest to Congress. For example, in 2013, the Federal Railroad Administration published a study that concluded "there is no consistent approach on how to address the National Register eligibility of railroad corridors."[100] Although federal regulations outline the criteria for

[95] Regulations promulgated by the Advisory Council on Historic Preservation (ACHP) allow for *program alternatives*, which are alternative methods available to federal agencies to meet their obligations under Section 106. These program alternatives allow federal agencies to work with the ACHP to tailor the Section 106 process to meet their needs. The program alternatives vary in the extent to which they may substitute for the standard compliance procedures, which are found in 36 C.F.R. Subpart B.

[96] U.S. Congress, House Committee on Natural Resources, Subcommittee on Oversight and Investigations, *Examining Impacts of Federal Natural Resources Laws Gone Astray*, 115th Cong., 1st sess., July 18, 2017, H.Hrg. 115-16 (Washington: GPO, 2017), p. 16. (Testimony from Amos J. Loveday, PhD: "While provisions for 'tailoring' of undertakings are available to agencies, taking advantage of them is often arduous and time consuming. For example, it required almost 5 years to craft the Nationwide Programmatic Agreements the [Federal Communications Commission] uses for towers. Moreover, the processes spelled out in 36 C.F.R. 800.14 are too cumbersome to be useful for undertakings that involve emerging technology, or industries subject to rapid change.")

[97] Recent examples include H.R. 2989 in the 118th Congress, which would have exempted certain hazardous fuel reduction projects in Sequoia National Forest and Giant Sequoia National Monument, Sierra National Forest, and Tahoe National Forest from NHPA review; H.R. 4141 in the 118th Congress, which would have exempted Federal Communications Commission (FCC) communications projects from NHPA review; H.R. 5378 and S. 2576 in the 115th Congress, which would have required the FCC to make a determination whether certain activities by licensees are considered "undertakings" under NHPA; and S. 769 in the 114th Congress, which would have exempted improvements to, maintenance, and rehabilitation of railroad or rail transit lines from (among other requirements) Section 106 review.

[98] In the 118th Congress, see the Historic Tax Credit Growth and Opportunity Act of 2023 (H.R. 1785, S. 639). Similar versions of these bills were considered in the 117th and 116th Congresses.

[99] Sen. Earl Blumenauer, "Introduction of the Historic Tax Credit Growth and Opportunity Act of 2021," Extensions of Remarks, *Congressional Record*, daily edition, vol. 167, part 59 (April 1, 2021), p. E324.

[100] Federal Railroad Administration, "Streamlining Compliance with Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act for Federally Funded Railroad Infrastructure Repair and Improvement Projects," March 2013, at https://www.fra.dot.gov/eLib/details/L04483.

inclusion of a property on the National Register, the report states that inconsistent standards still abound, due to the multitude of entities conducting National Register evaluations. Other issues relate to NPS efforts to address underrepresentation of diverse American groups and their stories within the historical and cultural resources that NPS helps to protect. This includes the roughly 2,600 properties that NPS has designated as national historic landmarks, along with the larger group of some 98,000 properties the agency has listed on the National Register. Although estimates vary, it is believed that less than 10% of all properties listed on the National Register relate to underrepresented cultural, ethnic, or identity communities.[101] Congress has supported NPS efforts to address these gaps primarily through appropriations to the HPF.[102]

Congress also regularly considers bills to designate specific properties or areas as historically important, under various designations. Although many of the programs described in this report provide for properties to receive historical designation administratively, Congress has at times conferred individual designations in law. Certain programs or designations require congressional action to establish new areas or to designate properties as historically significant. For example, in the 116th Congress, P.L. 116-9 included provisions that designated three new historical sites as units of the National Park System and six new NHAs, as well as stand-alone provisions that recognized the historical importance of sites across the United States.[103] The 117th Congress passed legislation to add the New Philadelphia National Historic Site in Illinois (P.L. 117-328) and the Blackwell School National Historic Site in Texas (P.L. 117-206) to the National Park System and added seven new heritage areas to the newly authorized National Heritage Area System (P.L. 117-339).[104]

[101] In 2013, NPS estimated that less than 8% of the total listings of national historic landmarks and National Register properties represented African American, Latino American, Asian American, Native American, and Native Hawaiian sites (NPS, *Budget Justifications and Performance Information, Fiscal Year 2014*, p. HPF-10). See also Linn-Tynen, Erin. "Reclaiming the Past as a Matter of Social Justice: African American Heritage, Representation and Identity in the United States," in *Critical Perspectives on Cultural Memory and Heritage: Construction, Transformation and Destruction*, ed. Veysel Apaydin (UCL Press, 2020), pp. 255–68, at https://doi.org/10.2307/j.ctv13xpsfp.21.

[102] For example, since FY2014, Congress has provided funding through the HPF for a grant program aimed at surveying and documenting historic properties associated with communities underrepresented on the National Register of Historic Places and in the National Historic Landmark Program.

[103] P.L. 116-9, §§2301-2303, designated the Medgar and Myrlie Evers Home National Monument, Mill Springs Battlefield National Monument, and the Camp Nelson Heritage National Monument as units of the National Park System; §2301 designated the Appalachian Forest NHA, Maritime Washington NHA, Mountains to Sound Greenway NHA, Sacramento-San Joaquin Delta NHA, Santa Cruz Valley NHA, and Susquehanna NHA; and §9008 recognized the historical importance of the Quindaro Townsite by designating it as a National Commemorative Site. Other portions of the law recognized sites such as the Nordic Museum in Seattle, WA, and the National Comedy Center in Jamestown, NY, as historically significant.

[104] The seven new NHAs are the Alabama Black Belt NHA, Bronzeville-Black Metropolis NHA, Downeast Maine NHA, Northern Neck NHA, St. Croix NHA, Southern Campaign of the Revolution National Heritage Corridor, and the Southern Maryland NHA.

Appendix. Selected Federal Grant Programs for Historic Preservation

Table A-1 provides an overview of selected federal historic preservation grant programs. This overview focuses on programs with the primary mission of historic preservation and is not a complete representation of all federal grant programs that support preservation activities.[105] As one example, the 9/11 Memorial Grant program is not listed below as the program is intended to support the operation, maintenance, and security of memorials and museums associated with an event in the recent past. For the purposes of this report, these activities are not generally considered to be related to historic preservation work.

Most of the programs listed here are subject to annual appropriations and therefore may not be funded in a particular fiscal year, despite some programs having congressional authorization to administer grants. In addition, some programs authorized or funded for the first time in recent years may not be listed below. This may be due, in part, to NPS not publishing eligibility requirements or funding guidelines for newly authorized programs by the time of publication. Information on eligibility may be subject to changes from year to year for certain grant programs, particularly those authorized in annual appropriations laws. Such programs are generally not codified and therefore may not have statutorily defined eligibility or funding parameters.

[105] Other federal grants programs provide funding for a variety of activities that may include historic preservation but are not explicitly authorized for that purpose.

Table A-1. Selected Federal Grant Programs for Historic Preservation

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
HISTORIC PRESERVATION FUND (HPF) PROGRAMS					
State Historic Preservation Office (SHPO) Grants	54 U.S.C. §302902	Formula[a]	3 : 2[b]	SHPOs of 50 states plus the District of Columbia and territories.	Activities may include surveys and inventories, National Register nominations, preservation education, architectural planning, historic structure reports, community preservation planning, and physical preservation of historic buildings, among others. Typically, SHPOs do not use HPF funds to issue sub-grants for individual historic preservation projects or entities but rather fund their own operational and administrative costs and programmatic activities.
Tribal Historic Preservation Office (THPO) Grants	54 U.S.C. §3027	Formula[c]	Not required[d]	Federally recognized tribes that have signed agreements with the National Park Service (NPS) designating them as having an approved THPO.	Activities funded through the program include staff salaries, archeological and architectural surveys, review and compliance activities, comprehensive preservation studies, National Register nominations, educational programs, and other preservation-related activities.
Certified Local Government (CLG) Grants	54 U.S.C. §302902(c)(4)	Formula	Various	CLGs, which are units of local (town, city, or county) government that have undergone a certification process involving demonstration of a commitment to historic preservation.	The National Historic Preservation Act of 1966 (NHPA) requires that at least 10% of the annual HPF funding provided to each SHPO be sub-granted to CLGs.[e] States typically award grants to individual CLGs through a competitive application process established by the SHPO. Specific requirements and eligibility for CLG grants are defined by individual SHPOs.
Tribal Heritage Grants	54 U.S.C. §302907	Competitive	Not required[f]	Federally recognized Indian tribes, Alaska Natives, and Native Hawaiian organizations.	Funding is provided as part of the THPO line item.

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
					NPS reallocates a portion of these moneys to support project grants under the program. Activities funded include planning, development, and research projects for preservation of tribal cultural resources, including surveys, inventories, oral histories, educational programs, architectural services, historic structure reports, preservation plans, and more.
African American Civil Rights Grants	No authorizing legislation[g]	Competitive	Not required	SHPOs, federally recognized tribes, Alaska Natives, and Native Hawaiian organizations, local governments (including CLGs), and nonprofits.	Program to preserve the sites and stories of the civil rights movement. Grant funds are awarded through two separate application processes: one for physical preservation projects and another for historical projects aimed at surveying, documenting, and interpreting significant sites and moments of the civil rights movement of the 20th century.
History of Equal Rights Grants	No authorizing legislation[h]	Competitive	Not required	SHPOs, federally recognized tribes, Alaska Natives, Native Hawaiian organizations, CLGs, and nonprofits.	Program to preserve and protect sites associated with efforts to achieve equal rights. Grants are not limited to any specific group and are intended to include the broadest possible interpretation of equal rights for any American.
Underrepresented Community (URC) Grants	Not authorizing legislation[i]	Competitive	Not required	SHPOs, federally recognized tribes, Alaska Natives, Native Hawaiian organizations, CLGs, and nonprofits.[j]	Program aimed at surveying and documenting historic properties associated with communities underrepresented on the National Register of Historic Places and in the National Historic Landmark Program.[k]
Paul Bruhn Historic Revitalization Grants Program	No authorizing legislation[l]	Competitive	Not required (sub-grant programs may require match)[m]	SHPOs, THPOs, CLGs, special district governments (except school districts), and nonprofits.	Program supports the physical preservation and rehabilitation of properties listed on—or eligible for listing on—the National Register that are located within rural communities.

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
					For the purposes of this program, *rural* is defined according to Bureau of the Census parameters as populations under 50,000. The rehabilitation projects are awarded through a sub-grant program, whereby the applicant serves as a pass-through entity—or *prime recipient*—administering funds to eligible sub-recipients in its jurisdiction. Grants are intended to be distributed to multiple rural preservation projects; therefore, individual grants are not allowed to be awarded to only one sub-grantee.
Historically Black Colleges and Universities (HBCU) Preservation Grants	54 U.S.C. §302101 note[n]	Competitive	Not required[o]	Accredited HBCUs.	Funds physical preservation of historical buildings, sites, and structures, as well as pre-preservation studies, architectural plans, and reports. Funds may be awarded only for preservation projects that address buildings or structures already listed in the National Register of Historic Places as of the application deadline.
Save America's Treasures	54 U.S.C. §3089[p]	Competitive	1 : 1	State, local, or tribal governments, tribal organizations, school districts, educational institutions, nonprofits, and federal agencies with the exception of NPS.[q]	Program provides funding for two programs: one for preservation projects administered by NPS and one for nationally significant collections administered by the Institute of Museum and Library Services. For NPS-administered preservation projects, funding is limited to properties listed in the National Register of Historic Places for *national significance* (not state or local significance) or designated a national historic landmark. The property may be listed either individually or as contributing to a nationally significant district.

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
					Individual properties or collections that received a Save America's Treasures grant in the past are not eligible for additional funding
Semiquincentennial Preservation Grants	No authorizing legislation[r]	Competitive	1 : 1	Local governments, nonprofits, educational institutions, and tribes.	Program provides funding for restoring and preserving sites and structures listed on the National Register of Historic Places that commemorate the founding of the nation.[s] For the purposes of this grant program, the "founding of the nation" is defined as the period ending December 31, 1800.
NATIONAL RECREATION and PRESERVATION (NR&P) GRANTS					
Japanese American Confinement Site (JACS) Grants	P.L. 109-441[t]	Competitive	2 : 1[u]	Private nonprofits; educational institutions; state, local, and tribal governments; and other public entities working to preserve World War II Japanese American confinement sites and their history.	Preservation and interpretation of U.S. confinement sites where Japanese Americans were detained during World War II. The initial bill expressly identified 10 internment sites eligible for the program, while also making other confinement sites eligible if determined to be historically significant by the Secretary of the Interior.[v]
Native American Graves Protection and Repatriation Act (NAGPRA) Grants	25 U.S.C. §3008	Competitive and noncompetitive[w]	Not required	Museums with possible NAGPRA collections, Native Hawaiian organizations, and Indian tribes as defined in NAGPRA. Under NAGPRA, *Indian tribe* means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]).	NPS administers two types of NAGPRA grant awards: Consultation/Documentation grants and Repatriation grants. Consultation/Documentation grants support the efforts of museums, Indian tribes, and Native Hawaiian organizations to consult on and document NAGPRA-related human remains and cultural items in nonfederal collections. Repatriation grants are intended to assist in the cost associated with the packing, transportation, contamination removal, reburial, and/or storage of NAGPRA-related human remains and cultural items.

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
National Center for Preservation Technology and Training Grants	54 U.S.C. §305304	Competitive	Not required	Universities, nonprofit organizations, and government agencies.	Program funds research into new technologies or into improving existing technologies to preserve cultural resources. Grant recipients undertake innovative research and produce technical reports.
American Battlefield Protection Program (ABPP) Planning Grants	54 U.S.C. §308102	Competitive	Not required	Groups, institutions, organizations, or governments (local, state, and tribal) sponsoring preservation projects at historic battlefields. Any battlefield on American soil is eligible for this grant.	ABPP planning grants support projects that include site identification and documentation, planning and consensus-building projects, and educational programs. Planning grants are not awarded for land acquisition or capital improvements.
ADDITIONAL HISTORIC PRESERVATION GRANTS					
American Battlefield Protection Program Battlefield Acquisition Grants	54 U.S.C. §308103	Competitive	1 : 1	State and local governments. Eligible sites are limited to Revolutionary War, War of 1812, or Civil War battlefield land.[x]	Grants for fee simple acquisition of eligible battlefield land or the acquisition of permanent, protective interests (easements) in battlefield land. Funding for the program is appropriated from the Land and Water Conservation Fund.[y]
American Battlefield Protection Program Battlefield Interpretation Modernization Grants	54 U.S.C. §308104	Competitive	1 : 1	State and local governments. Eligible sites are limited to Revolutionary War, War of 1812, or Civil War battlefield land.[x]	Grants for projects and programs that deploy technology to modernize battlefield interpretation and education. Funding for the program is appropriated from the Land and Water Conservation Fund.[y]
American Battlefield Protection Program Battlefield Restoration Grants	54 U.S.C. §308105	Competitive	1 : 1	State and local governments. Eligible sites are limited to Revolutionary War, War of 1812, or Civil War battlefield land.[x]	Grants for projects that restore day-of-battle conditions on land preserved under the battlefield acquisition grant program. Funding for the program is appropriated from the Land and Water Conservation Fund.[y]
National Maritime Heritage Grant Program[z]	54 U.S.C. §308703	Competitive[aa]	1 : 1	SHPOs, THPOs, local governments, nonprofits.	Grants for education and preservation projects aimed at preserving maritime resources and

Program	Authorization	Type	Match Requirement [Federal: Nonfederal]	Eligible Entities	Program Details
					increasing awareness and appreciation for the maritime heritage of the United States. The grant program is administered by the National Maritime Heritage Program of NPS in partnership with the Maritime Administration (MARAD).[bb] Funding for the program is provided, as available, through MARAD's Vessel Operations Revolving Fund from proceeds generated by the sale or scrapping of obsolete vessels of the National Defense Reserve Fleet. Project funds are disbursed directly to SHPOs who make subgrants to applicants.

Source: Congressional Research Service.

Notes:

a. The apportionment formula for state, tribal, and local government historic preservation programs was developed by NPS in accordance with NHPA and regulations at 36 C.F.R. §61. In July 2022, NPS published revisions to the apportionment formula following a comprehensive review of the formula that had been in place since 2002. Allocations based on the revised formula were first made in FY2023.

b. 54 U.S.C. §302902(b)(3). The nonfederal matching share is 40% of the total budget, not 40% of the federal award amount. In accordance with 48 U.S.C. §1469a, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Freely Associated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the Virgin Islands are not required to contribute nonfederal share for HPF grants, unless the matching share required exceeds $200,000 for a grant.

c. According to NPS, of the total annual appropriation provided to the THPO program, approximately 80% is divided equally among all THPOs and the remaining 20% is apportioned based on the area of the tribal lands as defined in NHPA.

d. In general, NPS has not required matching funds for THPO grants.

e. Regulations regarding the transfer of funds to CLGs can be found at 36 C.F.R. §61.7.

f. A nonfederal match is not required as part of the application process; however, according to the FY2024 application guidance issued by NPS, "non-federal matching … may be considered as part of the evaluation process." NPS, "Tribal Heritage Grant Application Information," at https://www.nps.gov/subjects/historicpreservationfund/thg-grant-info.htm.

g. In FY2016, Congress directed NPS to establish a competitive grant program "to preserve the sites and stories of the Civil Rights movement" as part of the annual Interior appropriations bill (P.L. 114-113, Div. G, Title I, December 18, 2015, 129 Stat. 2532). Funds have been appropriated for this program every year since FY2016.

h. As part of the FY2020 funding bill, Congress provided funding for a new grant program that would "preserve and highlight the sites and stories associated with securing civil rights for All Americans, including women, American Latino, Native American, Alaska Native, Native Hawaiian, and LGBTQ Americans" (H.Rept. 116-100). In subsequent years, Congress has provided funding for this program under the moniker, "History of Equal Rights program" (e.g., see the joint explanatory statement for P.L. 117-328).

i. In FY2014, Congress directed NPS to establish a grant program aimed at surveying and documenting historic properties associated with communities underrepresented on the National Register of Historic Places and in the National Historic Landmark program (joint explanatory statement on H.R. 3547, Consolidated Appropriations Act, 2014, *Congressional Record*, vol. 160, part 2 (January 15, 2014), p. H974). From FY2014 to FY2018, Congress appropriated $500,000 annually for the URC program. In FY2019 and FY2020, funding was increased to $750,000.

j. Nonprofit organizations became eligible for grant funding as of FY2023.

k. Prior to FY2014, less than 8% of the then-roughly 86,000 sites included on the National Register were associated with African American, American Latino, Asian American, American Indian, and other minority communities, according to NPS.

l. NPS has general authority to issue grants for the preservation of properties included on the National Register pursuant to 54 U.S.C. §302904. Congress first directed NPS to administer a grant program for these specific purposes in FY2018 as part of the annual Interior appropriations bill (P.L. 115-141).

m. Matching funds on behalf of the prime recipient are not required under the application guidelines; however, the ability to provide a match may be considered as part of the evaluation process.

n. In 1988, NPS established the HBCU Preservation Program to document, preserve, and stabilize historic structures on HBCU campuses. Congress authorized $29 million in funding for the program in 1996 as part of the Omnibus Parks and Public Lands Management Act of 1996 and later amended the law in 2003, authorizing an additional $10 million in appropriations for each of FY2003 through FY2008 (P.L. 104-333, Div. I, Title V, §507, November 12, 1996, 110 Stat. 4156-4157; and P.L. 108-7 , Div. F, Title I, §150, February 20, 2003, 117 Stat. 245). Although additional funding was authorized in 2003, Congress did not appropriate the full $10 million in each of those years. Instead, Congress appropriated $0 in FY2003, $3 million in FY2004, $3.5 million in FY2005, $3 million in FY2006, and $0 in FY2007 and FY2008 (figures based on enacted totals not actuals). Congress provided stand-alone appropriations in the amounts of $4 million and $5 million for the program in FY2017 and FY2018, respectively. The program was again reauthorized in March 2019 as part of the John D. Dingell, Jr., Conservation, Management, and Recreation Act to receive $10 million for each of FY2019 through FY2025 (P.L. 116-9, Div. I, Title II, Subtitle E, §2402, March 12, 2019).

o. The FY2023 grant cycle did not require a nonfederal match; however, past iterations of the program have required varying levels of matching funds.

p. The program was initially created in 1998 as a public-private partnership between President Clinton's White House Millennium Council and the National Trust for Historic Preservation to protect "America's threatened cultural treasures." The White House Millennium Council was created under Executive Order 13072, "White House Millennium Council," 63 *Federal Register* 6041-6043, February 5, 1998. Congress later authorized the program as part of the Omnibus Public Land Management Act of 2009, which authorized $50 million in appropriations for each fiscal year, to remain available until expended. From FY1999 through FY2010, annual appropriations fluctuated from a high of $35 million in FY1999 to a low of $20 million in FY2009. Congress did not provide appropriations funding for the program from FY2011 through FY2016; the program has been funded every year since FY2017.

q. 54 U.S.C. §308901(2). According to NPS, these grants will not be available for work on sites or collections owned by NPS. Other federal agencies not funded by the Interior appropriations bill that are collaborating with a partner may submit applications through a nonprofit partner.

r. Congress first provided funding for this program as part of the FY2021 Interior appropriations law (P.L. 116-260). Funding has been provided in each of the subsequent years through the annual appropriations process.

s. Prior to FY2023, eligibility was limited to state-owned historic sites and structures pursuant to congressional direction provided in the accompanying explanatory language to the FY2021 and FY2022 appropriations laws. In FY2023, NPS removed this requirement, although the accompanying explanatory statement for FY2023 appropriations did indicate that priority should be given to state-owned sites (https://www.congress.gov/117/crec/2022/12/20/168/198/CREC-2022-12-20-bk2.pdf).

t. P.L. 109-441, December 21, 2006, 120 Stat. 3288. Previously codified at 16 U.S.C. §461 note.

u. The authorizing legislation for JACS grants requires a 50% nonfederal match, but NPS application guidelines require a 2:1 federal to nonfederal match.

v. The 10 sites identified in statute are Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake. No additional sites have been identified by Congress or the Secretary of the Interior.

w. Consultation/Documentation grants are competitive grants, awarded annually. Repatriation grants are noncompetitive and are considered on a rolling basis to the extent that funds are available. Although NAGPRA Repatriation grants are considered noncompetitive, there is an evaluation process by which eligible applicants (i.e., those that meet eligibility requirements and submit a complete application) are considered.

x. Only Civil War battlefields listed in the Civil War Sites Advisory Commission's *1993 Report on the Nation's Civil War Battlefields* and Revolutionary War and War of 1812 battlefields listed in the *2007 The Revolutionary War and War of 1812 Historic Preservation Study* are eligible for this grant.

y. Prior to the passage of the Great American Outdoors Act (GAOA; P.L. 116-152) in August 2020, funding was provided as discretionary appropriations in NPS's Land Acquisition and State Assistance account under the Federal Land Acquisition activity (although the grants are not for federal acquisition but for state and local acquisition). Following GAOA's passage, this funding was made mandatory, so there were no discretionary appropriations to this account for FY2021 and subsequent years.

z. Congress authorized this program in 1994 as part of the National Maritime Heritage Act (P.L. 103-451, November 2, 1994, 108 Stat. 4770). An initial round of grants was awarded in 1998, but the program was discontinued the following year due to environmental and worker safety issues associated with the sale of obsolete vessels. An amendment to the FY2010 National Defense Authorization Act subsequently permitted the Administrator of the Maritime Administration to divert Vessel Operations Revolving Fund proceeds "for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration" (P.L. 111-84, Div. C, Title XXXV, §3509, Oct. 28, 2009, 123 Stat. 2721). Funding for the program returned in FY2014 and continued through FY2018.

aa. Funds are distributed as direct grants to SHPOs, who administer the grant program at the state level and make funds available to applicants via sub-grants. These sub-grants are awarded through a competitive process.

bb. MARAD is an agency of the Department of Transportation that supports the U.S. merchant marine, improves port efficiency, and maintains an adequate shipbuilding and repair infrastructure.

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