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**U.S. General
Services
Administration**

Section 106: National Historic Preservation Act of 1966

The Section 106 review process is an integral component of the [National Historic Preservation Act of 1966](#). [ADM 1020.3A Procedures for Historic Properties](#) includes all activities for complying with the NHPA and federal regulations for the use, protection and enhancement of historic and cultural properties.

Section 106 of the NHPA requires that each federal agency identify and assess the effects its actions may have on historic buildings. Under Section 106, each federal agency must consider public views and concerns about historic preservation issues when making final project decisions.

After an undertaking is identified, federal agency stakeholders should follow these four steps to fulfill Section 106 requirements:

1. Initiate consultation by notifying the appropriate consulting parties. Consultation is between the federal agency, the State Historic Preservation Officer (SHPO) or [Tribal Historic Preservation Officer](#), and other consulting parties including but not limited to the ACHP, certified local governments, and members of the general public with an economic, social or cultural interest in the project.
2. Identify properties that may be affected by the project and determine if they are historic as determined by eligibility or listing in the National Register of Historic Places.
3. Assess the effects of the undertaking on the resources in consultation with interested parties and establish if they are adverse. Determining adverse effects on historic resources is based on criteria established by the regulations, 36 CFR Part 800 of the ACHP regulations.
4. Resolve adverse effects by developing and evaluating alternatives that could avoid, minimize, or mitigate these impacts on historic resources. The result of consultation may be a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA). The MOA or PA is a legally binding document, which evidences the agency's compliance with Section 106 and records the outcome of consultation and the effects of an agency's project, projects or program on historic resources.



Regulations issued by the [Advisory Council on Historic Preservation](#) guide the Section 106 review process, specifying actions federal agencies must take to meet their legal obligations. The regulations are published in the Code of Federal Regulations at 36 CFR Part 800, Protecting Historic Properties. A PDF of 36 CFR Part 800 can be downloaded from the [Section 106 page](#) of the ACHP's website. The [Program Comment for General Services Administration Repairs and Upgrades to Windows, Lighting, Roofing, and Heating, Ventilating, and Air Conditioning, as Amended](#) authorizes an abbreviated Section 106 compliance process for repairs and upgrades to windows, lighting, roofing, and HVAC systems.

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Definition of a Federal Undertaking

The Advisory Council on Historic Preservation has defined a federal undertaking in 36 CFR 800.16(y) as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including:

- those carried out by or on behalf of a federal agency;
- those carried out with federal financial assistance;
- those requiring a federal permit, license or approval; and
- those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

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