

HEARING ON H.R. 834, A BILL TO EXTEND  
THE AUTHORIZATION FOR THE NATIONAL HIS-  
TORIC PRESERVATION FUND, AND FOR OTHER  
PURPOSES

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC  
LANDS  
OF THE  
COMMITTEE ON RESOURCES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

APRIL 15, 1999, WASHINGTON, DC

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## CONTENTS

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	Page
Hearing held April 15, 1999 .....	1
Statements of Members:	
Hansen, Hon. James V., a Representative in Congress from the State of Utah .....	5
Prepared statement of .....	5
Hefley, Hon. Joel, a Representative in Congress from the State of Colo- rado .....	8
Prepared statement of .....	10
Romero-Barceló, Hon. Carlos, a Delegate in Congress from the Common- wealth of Puerto Rico .....	12
Prepared statement of .....	13
Statements of witnesses:	
Hertfelder, Eric, Executive Director, National Conference of State His- toric Preservation Officers .....	24
Prepared statement of .....	25
Norton, Hon. Eleanor Holmes, a Delegate in Congress from the district of Columbia .....	5
Prepared statement of .....	7
Osterman, Tamar, Director of Policy Research, National Trust for Historic Preservation .....	28
Prepared statement of .....	29
Stanton, Robert, Director, National Park Service .....	14
Prepared statement of .....	16
Additional material supplied:	
Text of H.R. 834 .....	2



**HEARING ON H.R. 834, A BILL TO EXTEND  
THE AUTHORIZATION FOR THE NATIONAL  
HISTORIC PRESERVATION FUND, AND FOR  
OTHER PURPOSES**

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**THURSDAY, APRIL 15, 1999**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON NATIONAL PARKS  
AND PUBLIC LANDS,  
COMMITTEE ON RESOURCES,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 10 a.m., in Room 1334, Longworth House Office Building, Hon. James V. Hansen [chairman of the Subcommittee] presiding.

**STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF UTAH**

Mr HANSEN. Good morning, everyone. The Subcommittee on National Parks and Public Lands will come to order. Today we will hear testimony on only one bill, but it is a very important bill, H.R. 834, which would reauthorize the National Historic Preservation Fund.

H.R. 834 was introduced by my colleague and fellow Subcommittee member, Congressman Joel Hefley of Colorado. This bill would reauthorize the currently expired National Historic Preservation Fund until September 30, 2005. H.R. 834 also amends the National Historic Preservation Act to include application of this Act to some areas under the jurisdiction of the Architect of the Capitol, and also modifies the way Federal agencies consider historic properties for carrying out their responsibilities.

[The Bill follows:]

106TH CONGRESS  
1ST SESSION

# H. R. 834

To extend the authorization for the National Historic Preservation Fund,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1999

Mr. HEFLEY introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To extend the authorization for the National Historic  
Preservation Fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT OF NATIONAL HISTORIC PRESER-**  
4 **VATION ACT.**

5 The National Historic Preservation Act (16 U.S.C.  
6 470 and following; Public Law 89-665) is amended as fol-  
7 lows:

8 (1) Section 101(e)(2) (16 U.S.C. 470a(e)(2)) is  
9 amended to read as follows:

1       “(2) The Secretary may administer grants to the Na-  
2 tional Trust for Historic Preservation in the United  
3 States, chartered by an Act of Congress approved October  
4 26, 1949 (63 Stat. 947), consistent with the purposes of  
5 its charter and this Act.”.

6       (2) Section 102 (16 U.S.C. 470b) is amended  
7 by redesignating subsection (e) as subsection (f) and  
8 by redesignating subsection (d), as added by section  
9 4009(3) of Public Law 102-575, as subsection (e).

10       (3) Section 107 (16 U.S.C. 470g) is amended  
11 to read as follows:

12       “SEC. 107. Nothing in this Act shall be construed  
13 to be applicable to the White House and its grounds, the  
14 Supreme Court building and its grounds, or the United  
15 States Capitol and its related buildings and grounds. For  
16 the purposes of this Act, the exemption for the United  
17 States Capitol and its related buildings and grounds shall  
18 apply to those areas depicted within the properly shaded  
19 areas on the map titled ‘Map Showing Properties Under  
20 the Jurisdiction of the Architect of the Capitol,’ and dated  
21 November 6, 1996, which shall be on file in the office of  
22 the Secretary of the Interior.”.

23       (4) Section 108 (16 U.S.C. 470h) is amended  
24 by striking “1997” and inserting “2005”.

1           (5) Section 110(a)(1) (16 U.S.C. 470h-2(a)(1))  
2       is amended by deleting the second sentence and in-  
3       serting the following: "Prior to acquiring, construct-  
4       ing, or leasing buildings for the purpose of carrying  
5       out agency responsibilities, each Federal agency  
6       shall, when operationally appropriate and economi-  
7       cally prudent, give first consideration to historic  
8       properties within historic districts. If no such prop-  
9       erty is operationally appropriate and economically  
10      prudent, then Federal agencies shall consider other  
11      developed or undeveloped sites within historic dis-  
12      tricts. Federal agencies shall then consider historic  
13      properties outside of historic districts, if no suitable  
14      site within a district exists. Any rehabilitation or  
15      construction that is undertaken pursuant to this Act  
16      must be architecturally compatible with the char-  
17      acter of the surrounding historic district or prop-  
18      erties."

19           (6) The last sentence of section 212(a) (16  
20      U.S.C. 470t(a)) is amended by striking "2000" and  
21      inserting "2005".

○



Mr. HANSEN. I want to thank all of our witnesses for being here today to testify on this bill, and now I will turn the time over to the Ranking Member, Mr. Romero-Barcelo I see he's not here so, with that in mind, we will just go ahead with the first witness.

[The prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF UTAH

Good morning everyone. The Subcommittee on National Parks and Public Lands will come to order. Today we will hear testimony on only one bill, but it is a very important bill—H.R. 834 which would reauthorize the National Historic Preservation Fund.

H.R. 834 was introduced by colleague and fellow Subcommittee member Congressman Joel Hefley of Colorado. This bill would reauthorize the currently expired National Historic Preservation Fund until September 30, 2005. H.R. 834 also amends the National Historic Preservation Act to include application of this Act to some areas under the jurisdiction of the Architect of the Capitol, and also modifies the way Federal agencies consider historic properties for carrying out their responsibilities.

I want to thank all of our witnesses for being here today to testify on these bills and now turn the time over to the Ranking Member Mr. Romero-Barceló.

Mr HANSEN. The first Member up is the Honorable Eleanor Holmes Norton from Washington, DC. We welcome you here. We appreciate you being here with us, and we'll turn the time over to you.

**STATEMENT OF HON. ELEANOR HOLMES NORTON, A  
DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA**

Ms. NORTON. Thank you very much, Mr. Chairman. I apologize that I am a few minutes late. I am particularly appreciative of all that the Subcommittee has done on the National Historic Preservation Act.

Rather than read my testimony, I would ask to summarize and submit my full statement for the record.

Mr HANSEN. Without objection, so ordered.

Ms. NORTON. Mr. Chairman, I can't begin without thanking you for your numerous courtesies to me since you have been chairman. This Subcommittee essentially has jurisdiction over 20 percent of the land in the District and, therefore, matters that are of considerable importance to my own constituents.

I appreciate the way in which you have handled the bills that have come before the Subcommittee affecting the District of Columbia. Most recently, the Subcommittee secured passage of my bill that authorized private construction of a memorial for Benjamin Banneker, America's first black man of science. That effort is now underway with private funds.

I want to also note my appreciation to Congressman Hefley, who has crafted the bill and reintroduced it. The National Historic Preservation Act is of immense importance, not only to the country but especially to this city. This Subcommittee deserves enormous credit for the way in which you have made this an effective statute.

The section that I come to testify about is a small but important change in section 107. It essentially narrows—and I would say clarifies—the exemption of the Architect of the Capitol over property under its jurisdiction. Congress never envisioned that the Architect would be deep into the community, as he necessarily is.

May I saw we welcome the Architect into the community. His efforts have been most salutary and have contributed much to the community. Of course, it is necessary, when the Congress needs facilities, for it to go into the Capitol Hill community. We can't think of a better neighbor in the community than the United States Congress, which takes such effort to build according to the historic nature of the community.

There are properties that are distant from the U.S. Capitol complex, and I want to fully endorse the provision in H.R. 834 that clarifies that the exemption of the Architect applies to the principal buildings and grounds of the U.S. Capitol and then is very specific about what those grounds are by reference to a map dated November 6, 1996, on file in the office of the Secretary of the Interior.

Essentially, this provision complies with the public review and consultation process that Federal agencies have long regarded as, not only their obligation, but as something they have thought contributed to a project as they do it, whenever there is construction affecting a historic site of any kind in an area.

I want to emphasize that I think the change in section 107, Mr. Chairman, is virtually mandated by what this Congress has done in Public Law 104-1, the Congressional Accountability Act. As you will recall, in a historic departure, the Congress, in Public Law 104-1, essentially said, for the first time in the history of the United States, the Congress will submit itself to the laws of the United States. Because no one had in mind the Architect at the time, but were thinking about various kinds of laws in which people filed complaints, this exemption was not attended to at that time. That is, I believe, what this exemption does.

Now, it would be impossible to reconcile the Congressional Accountability Act with an exemption for the major agent of the Congress when the Congress engages in construction. The Architect is the Congress when it comes to construction.

The neighborhood and the Capitol complex are essentially of a piece. There is enormous respect for the Capitol and all it does for the neighborhood. The DC Historic Preservation Review Board is a very sophisticated body in the District. It has great expertise and has helped to safeguard the historical character of the neighborhood. If it hadn't done its job, the Capitol itself would have been in danger because the Capitol depends upon the preservation and integrity of its historic environment.

I regret there was what I would regard as a thoroughly unnecessary misunderstanding that arose when the Senate day-care center was planned in 1996. The community welcomed the Senate day-care center with open arms because it took a blighted building, and also because it loved the idea of a day-care center.

I recall that, at the time the demolition of an historic property was being considered, Senator John Warner was also troubled that there wasn't some way that we could work this out, because nobody was asking that the building not be demolished. They were asking for some minor respect for the facade, and there are many ways to do that, without even preserving the entire facade.

If Senator Warner and I had had more time, I think that the matter could have been easily resolved. His intervention was very skillful. I remember Congress was out of session, and there were

other Members of Congress who were equally upset because, Mr. Chairman, it almost never occurs that anybody wants to simply tear down a historic property without paying some respect to some part of it. Normally you work these things out because we're old hands at these things by now.

I particularly appreciate the sensitivity that this Subcommittee has shown to these concerns and in synchronizing local and congressional concerns. I appreciate particularly that you, Mr. Chairman, entered into a colloquy with me on the House floor. I believe that, with some clarification with the Senate and some time to have conversations with them, if this bill is passed as it was last session, that we will have an important addition to the National Historic Preservation Act.

I very much appreciate this opportunity to testify, and I am open to any questions that you may have for me.

[The prepared statement of Ms. Norton follows:]

STATEMENT OF HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM  
THE DISTRICT OF COLUMBIA

Mr. Chairman, Ranking Member Romero-Barceló, and Members of the Subcommittee, thank you for the opportunity to testify on H.R. 834, a bill to extend the authorization for the National Historic Preservation Act of 1966 (NHPA). As you know, the National Park Service and other units of the Department of the Interior control almost 20 percent of the land in the District of Columbia, and thus, this Subcommittee has jurisdiction over important matters bearing directly on the nation's capital and my constituents. I want to thank you, Mr. Chairman, for the thoroughly bipartisan way you have developed this bill and for the courtesies you have afforded me today and on bills in the past. Please accept my special thanks for the recent passage of a bill I introduced to authorize private construction on park land of a memorial in honor of Benjamin Banneker, America's first black man of science and one of the individuals who helped to survey the boundaries of the District of Columbia.

I appreciate the hard work that the Subcommittee has devoted to H.R. 834. I want especially to thank Congressman Hefley of the Subcommittee for his efforts in crafting the bill and re-introducing it early in this Congress. This was non-controversial legislation when it passed the full House last year, and I believe that with clarification, any reservations that the Senate may have had will be resolved.

First, I want to note my strong support for the National Historic Preservation Act and my appreciation for your work that has made this statute so effective. As you know, NHPA authorizes the Secretary of the Interior to administer a National Register of Historic Places consisting of districts, sites, buildings, and other structures that embody significant aspects of American history, architecture, archeology, engineering, and culture. This inventory now includes over 800,000 buildings and sites, including Union Station, the Old Post Office, the Warner Theater, and many others in the District of Columbia. NHPA also authorizes an Historic Preservation Fund granting money to states and individuals to undertake historic preservation projects. NHPA has been a major and indispensable instrument in the nation's efforts to preserve its cultural and historic heritage for the benefit of future generations. H.R. 834 helps maintain this framework, and I am pleased that this bill extends the authorization for NHPA through 2005.

I am here mainly to testify in favor of a small but important change to section 107 of NHPA to narrow the exemption of the Architect of the Capitol over property under its jurisdiction. Under current law, NHPA is "not applicable to . . . the United States Capitol and its related buildings and grounds." This language has been construed overbroadly to include all properties under the jurisdiction of the Architect of the Capitol, including sites that are distant from the U.S. Capitol complex but fully integrated into the surrounding community, usually preexisting to being acquired by the Architect. I strongly support the provision in H.R. 834 to clarify that any exemption that the Architect of the Capitol now has applies only to the principal buildings and grounds of the U.S. Capitol complex as depicted by a map dated November 6, 1996 on file in the office of the Secretary of the Interior.

This change is especially important because it requires the Architect of the Capitol to comply with the public review and consultation process that Federal agencies

must follow in any undertaking affecting an historic district, site, building, or structure pursuant to section 106 of NHPA. Section 106 was established specifically so that no Federal agency would ignore unilaterally the preservation of significant cultural resources affecting local communities.

I emphasize that this change is virtually mandated by and most certainly consistent with Public Law 104-1, the Congressional Accountability Act, which requires that Congress be held to the same laws as other Americans and entities. The Congress has proudly noted that it has subjected itself to its own laws. It would be impossible to reconcile the standard of congressional accountability found in Public Law 104-1 with an exemption for a major agent of the Congress that no Federal agency and no American enjoys.

Section 106 is a cornerstone of historic preservation efforts in the District because of the preponderant Federal presence here. By narrowing the section 107 exemption, the bill shows respect for the historic character of the immediate neighborhood surrounding the White House and the U.S. Capitol. For example, the neighborhood and the historic Capitol buildings are of a piece. If the historic character of structures in the neighborhood were altered, anomalies out of keeping with the Capitol itself could result, however unintentionally.

The Capitol Hill community in particular not only provides a thriving cultural and commercial setting for the Capitol that serves Members, staff, and tourists alike, This community and the DC Historic Preservation Review Board, the national historic preservation partner in DC, as well as the Advisory Neighborhood Commissions, all help safeguard the historic character of the neighborhood that is indispensable to preserving the Capitol's own historic integrity.

I regret that an unnecessary misunderstanding arose with the Office of the Architect when the Senate day-care center was planned in 1996. The problem did not involve the center at all, and no one in the community opposed or sought to delay its establishment. The community welcomed the day care center with open arms not only because of its purpose but because it took a blighted property that marred the neighborhood. With minor changes that allowed at least minimal respect for the facade and more time to discuss the matter, a needless confrontation with the community and with Members of Congress could have been avoided. I was particularly grateful for the intervention of Senator John Warner, who was most sympathetic with the historic preservation concerns. With his skillful efforts and more time, the matter might have been resolved to the satisfaction of all concerned.

Most important to bear in mind, the local authorities have advisory authority only. Moreover, almost always, government officials say that advice and counsel improves a project. Allowing advisory expert and community comments that have no binding legal effect is little enough to ask. I appreciate the sensitivity of this Subcommittee in its work on section 107 to synchronize local and congressional concerns.

Mr HANSEN. Thank you very much. We appreciate your testimony.

I would like to turn to the sponsor of the bill, if he has any questions for our colleague from the District of Columbia, or for any opening statement he may have as the sponsor of this important legislation.

#### **STATEMENT OF HON. JOEL HEFLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mr. HEFLEY. Thank you, Mr. Chairman. I would like to say a few words in opening, and then I would have a question or two of Mrs. Norton.

First of all, I apologize for not being here for all of your testimony, Mrs. Norton, because you have been extremely on top of this situation and have been very supportive, I think, of the concept.

Mr. Chairman, H.R. 834, as you will remember, because we went through it last year in great detail, passed it, got it over to the Senate, in the last days it got wrapped up, as so much legislation does over there, with things that didn't have any relationship to this really. But this was held hostage and one thing led to another. So I think it's extremely important that, early in this session, we're

bringing this up again so that we can get it passed and, with Mrs. Norton's help and others, we'll get it all the way through the process this time.

As all of us know, and as probably already been pointed out, the authorization for this program expired in September of 1997, so there is some urgency in getting this bill enacted.

The bill before you reflects this program's stature as a mature undertaking. By and large, existing law has worked. Historic preservation is now accepted as a legitimate national concern. I think Mrs. Norton pointed that out in her testimony, that most people don't want to run roughshod over our history and culture in this Nation. I think it is a legitimate concern.

The program has evolved into a model of state, Federal and public/private cooperation. State and local groups have leveraged relatively scant Federal funds into an investment far in excess of what Washington alone might have achieved. So the bill before you authorizes the existing program through 2005. It allows the Interior Department to administer grants to the National Trust for Historic Preservation, which is a proven means of providing funding in emergencies, such as the Mississippi River floods of some years back.

The bill also deals with treatment of the White House, the Capitol, the Supreme Court buildings, and codifies an Executive order directing the use of buildings in historic districts by Federal agencies.

The reasons for the first of these are twofold: First, this Congress has maintained that it follow the same laws it enacts for the general public, and second, the government, particularly the Congress, has not always done that in the preservation arena, particularly here in Washington. I believe Mrs. Norton has pointed that out.

Finally on this subject, I will concede that, for reasons of daily operations and security needs, there are some buildings that properly cannot be treated in the same way as other historic sites, but will nonetheless point out that some of the Nation's most successful preservation efforts have been conducted by the armed services, as a matter of fact, all of which can legitimately claim operational and security needs for an exemption, and some don't.

I have mentioned before, I think, Warren Air Force Base in Cheyenne, WY, which was an old calvary post. Black Jack Pershing was commander there at one time. You go on that base today and there's the parade field still there. There are the enlisted men's barracks still there, on one side of the parade field, and the officers housing on the other side. And behind the enlisted men's barracks, the stables are still there. The only thing is, the stables today are computer centers and so forth. But from the outside, they are every bit stables. So there are ways, even in national security facilities, to do that.

This bill also clarifies and codifies Executive Order 13006, which directs Federal agencies to give first priority to locating the Nation's central cities. This Executive order builds on a series dated back to the Nixon Administration. But Executive Order 13006 is also meant to conform with the Rural Development Act of 1972.

So I think we have worked out most of the concerns in this bill. I think most people are in favor of it, and we'll hear additional tes-

timony this morning. If there are problems with it, we're happy to try to make which changes are necessary to make it work better. So what we are doing is reenacting the old law with some modern updates to make it work better.

[The prepared statement of Mr. Hefley follows:]

STATEMENT OF HON. JOEL HEFLEY, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF COLORADO

Mr. Chairman, I'd like to thank you for holding hearings on this bill, H.R. 834, which will extend the authorization of the National Historic Preservation Act.

We already acted upon a version of this bill in the last Congress and, as with the film fees bill, which we passed earlier this week, might have enacted that legislation had it not been for the usual end-of-session fun and games between this and the other body. But in this case, there is some urgency—due to our lack of action, the authorization for the National Historic reservation Fund expired on September 30, 1997. Enactment of this legislation is urgently needed.

The bill before you reflects this program's stature as a mature undertaking. There is no need for wholesale changes in the law because, by and large, the existing law has worked. Not only has historic preservation become established as a legitimate national concern, the program has evolved into a model example of partnership between Federal and state governments and between the public and private sectors. Though the Historic Preservation Fund had, in the past, been authorized to a level of \$150 million per year, it seldom received more than \$40 million. Nevertheless, state and local organizations, by using Federal funds as seed money, have been able to leverage an amount of investment far in excess of what Washington alone might have achieved.

So the bill before you reauthorizes the existing program through 2005, reflecting the year's delay in our actions. It includes a provision for the Secretary of Interior to administer grants to the National Trust for Historic Preservation, a funding conduit the appropriators have found useful in delivering funding in emergency situations, such as the Mississippi River flooding of some years back.

The bill also contains two provisions which we will examine today. First, the bill exempts from the National Historic Preservation Act the White House and properties under the jurisdiction of the Architect of the Capitol, which are identified on maps filed with the Secretary of the Interior.

The reasons for this provisions are twofold. Number one, four years ago this Congress adopted legislation based on the belief that this body should adhere to the same laws it imposed on the general public. It is absurd to maintain that historic preservation is a valid national goal, then turn around and state that three of the nation's most historic buildings can ignore that goal.

Second, this lack of congressional direction has resulted in problems here in the District of Columbia. Some years ago, a daycare center was constructed in the middle of a local historic district with little, if any, consultation with local historic preservation officials. I am told that circumstances have changed and there should be no repetition of that episode but we cannot be sure such circumstances will not reoccur.

For reasons of security and daily operations, the White House, the Capitol and the Supreme Court probably cannot be treated the same as other historic sites (although I'd point out that some of the country's most successful preservation programs have been conducted by the armed services, any one of which can claim more overriding security concerns.). But I do not believe it is too much to ask the managers of these properties to identify their domains and at least, make a stab at cooperating with local communities and local preservation laws.

Another provision in this bill clarifies and codifies Executive Order 13006, which gives priority to locating Federal facilities in the nation's central cities. Executive Order 13006 was based upon a series of such orders dating back to the Nixon Administration which directed Federal agencies to use historic structures whenever possible. This is a goal worthy of the national government and frankly, in the case of visitors' centers and the like, will probably save us money in the long run.

But in our study of these executive orders, we uncovered what we believe is a contradiction. Executive Order 13006 is meant to be consonant with previous executive orders and with provisions of the Rural Development Act of 1972, the latter of which gave first priority to locating Federal facilities in rural development areas. Our language flatly directs that Federal agencies should first look in nearby historic districts to fill their building needs, no matter whether those districts are urban and rural in character.

Note that the Administration has logged in with its proposal for a straight reauthorization of the Historic Preservation Act, minus any treatment of the use of historic properties and wonder what questions the Administration has with codifying a policy it drafted in the first place.

With that, I'll close, Mr. Chairman. I look forward to hearing today's witnesses and hope we'll be able to move this bill swiftly to enactment.

Mr. HEFLEY. Mrs. Norton, if I might, you mentioned the Senate day-care center. Are you aware of other instances of conflict between the Architect of the Capitol and the local community? The Senate day-care center was during another Architect's tenure. I wonder if things have improved under this present Architect since he came on board?

Ms. NORTON. As a matter of fact, the former Architect, Mr. White, had, in fact, left. I think part of the reason this problem arose was that there was no Architect at the time. We had an interim situation.

Mr. HEFLEY. I see.

Ms. NORTON. I want to mention, Mr. Hefley, in response to your question, that I was absolutely astonished that this became a problem, because under Mr. White the Library of Congress built a day-care center in an abandoned school. Did we love them for doing that. They took a school that had been abandoned by the Catholic Church and made it into a day-care center.

Well, the community raised some concerns. They were concerned that the children might be dropped off on East Capitol Street and it would slow up traffic. They were concerned whether or not huge parking problems would arise. They were concerned that the building itself reflect the neighborhood.

Well, Mr. White did not jump out a window. Mr. White sent his agents out to the community, talked with them. I had hardly anything to do with it. In discussions with the community, Mr. White made some changes. He hadn't thought about the fact, for example, that there probably should be some way to drop off for the safety of the children, so that there were not there in immediate traffic. Working with the city, he arranged for parking not to be a problem. So, instead of a big brouhaha with the community, the Architect simply sat down and worked it out.

The interim people were extremely rigid. The District people weren't saying leave the building up. Of course, not. Nor were they saying leave the facade in any particular way. With the most minor respect for the facade, somehow, on the grounds, I think the matter could have been solved.

I cannot say that, under this Architect, matters have improved. In fact, I almost wish for Mr. White back, because Mr. White would have worked these things out. I wouldn't probably have thought about the need for a bill. I think this Architect may have lobbied the Senate and may have been partly responsible for the misunderstanding in the Senate.

I have to really say that I think the rigidity shown was there should be no changes, we shouldn't have to submit to anybody except the Congress, no concern for the Congressional Accountability Act, which says exactly the opposite, not the kind of flexibility that I think people in public life have to have in order to reach an accommodation.

I was very tough on the DC people. I said, look, we're not up here to dictate to the Congress what to do. I understand what your law says, and you've been able to work well with Federal agencies, and we want to have this dialogue.

I must say, I regarded this as the kind of lapse. I have seldom seen, in the legislative process and public policy process, where one body says it's "all or nothing." Where there's historic preservation concerns, it seems to me that, even without this law, there should have been the notion that we would want to pay some respect to the fact that there was a historic building here and we're going to have to tear it down.

Mr. Hefley, they did have to tear it down. There is no way in which they could have built the child-care center and left this brownstone standing. So reaching an accommodation, where the Architect would have gotten virtually all of what he wanted in any case, would have been possible, it seems to me.

Mr. HEFLEY. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

The gentleman from Puerto Rico, the Ranking Member, Mr. Romero-Barceló.

**STATEMENT OF HON. CARLOS ROMERO-BARCELÓ, A DELEGATE IN CONGRESS FROM THE COMMONWEALTH OF PUERTO RICO**

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman. I want to thank Mrs. Holmes for her testimony, and I apologize for not having been here when she started. I received an urgent telephone call just as I was leaving and I had to take care of it before I came here.

I would just like to make a brief statement in support of this bill. The National Historic Preservation Act was established as a comprehensive program through which Federal, state, tribal and local historic resources have been protected. The National Register of Historic Places now has more than 62,000 sites listed.

The Governor of each state and U.S. Territory appoints a State Historic Preservation Officer to administer the historic preservation program within its boundaries. Several Indian tribes have now undertaken historic preservation programs on reservations, and the Advisory Council on Historic Preservation advises the President and Congress and makes recommendations to help coordinate preservation activities.

This successful program shows what can be done when government at each level is willing to work together for a common cause—the protection and preservation of our culture and our history.

The bill before us today would extend the authorization of funds for the Historic Preservation Fund and the Advisory Council on Historic Preservation through fiscal year 2005. We wholeheartedly support extending this authorization. We would note that the Department of the Interior submitted draft legislation to the Speaker of the House last week to accomplish this very purpose.

H.R. 834 goes on to make two minor changes to the National Historic Preservation Act as well. These changes clarify the applicability of historic preservation laws to the Architect of the Capitol



and codify an Executive order dealing with consideration by Federal agencies to using historic properties.

Mr. Chairman, we believe that this bill is a very reasonable proposal and we look forward to the testimony of the other witnesses on this matter.

Thank you.

[The prepared statement of Mr. Romero-Barceló follows:]

STATEMENT OF HON. CARLOS ROMERO-BARCELÓ, A DELEGATE IN CONGRESS FROM  
THE TERRITORY OF PUERTO RICO

Mr. Chairman, today we will receive testimony on H.R. 834, introduced by our colleague Mr. Hefley to reauthorize funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation, as well as make several minor changes to the National Historic Preservation Act.

The National Historic Preservation Act, enacted in 1966, established a comprehensive program through which Federal, state, tribal, and local historic resources have been protected. The National Register of Historic Places now has more than 62,000 sites listed. The Governor of each state and U.S. Territory appoints a State Historic Preservation Officer to administer the historic preservation program within its boundaries. Several Indian Tribes have now undertaken historic preservation programs on reservations and the Advisory Council on Historic Preservation advises the President and Congress and makes recommendations to help coordinate preservation activities. This successful program shows what can be done when government at each level is willing to work together for a common cause—the protection and preservation of our culture and our history.

The bill before us today would extend the authorization of funds for the Historic Preservation Fund and the Advisory Council on Historic Preservation through fiscal year 2005. We wholeheartedly support extending this authorization. We would note that the Department of the Interior submitted draft legislation to the Speaker of the House last week to accomplish this very purpose.

H.R. 834 goes on to make two other minor changes to the National Historic Preservation Act as well. These changes clarify the applicability of historic preservation laws to the Architect of the Capitol and codify an Executive Order dealing with consideration by Federal agencies to using historic properties.

Mr. Chairman, this bill is a reasonable proposal and we look forward to the testimony of our witnesses on this matter.

Mr. HANSEN. I thank the gentleman.

The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. No questions, Mr. Chairman.

Mr. HANSEN. The gentleman from Colorado, Mr. Udall.

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman. I don't have any questions at this time.

Mr. HANSEN. The gentleman from Washington.

Mr. INSLEE. No questions.

Mr. HANSEN. Thank you.

We certainly appreciate your testimony. If you would like to join us on the dais, we would be more than happy to have you with us.

Ms. NORTON. Thank you, anyway, Mr. Chairman. I am due to testify someplace else. I thank you once again for the attention you have given to the bill, and particularly to this section affecting the District.

Mr. Hefley, before you came, I particularly gave my thanks to you for reintroducing the bill, and for crafting a bill that I think is of great significance.

Mr. HANSEN. Thank you so much.

Mr. HANSEN. It is always an honor and a pleasure to have with us Robert Stanton, the Director of the National Park Service. Also, we have Eric Hertfelder, Executive Director, National Conference of State Historic Preservation Officers, and Tamar Osterman, Di-

rector of Policy Research, National Trust for Historic Preservation. We all you all to come up.

Mr. Director, again it's a pleasure to have you with us. We are always honored to have you here. We will turn the time over to you, sir.

**STATEMENT OF ROBERT STANTON, DIRECTOR, NATIONAL  
PARK SERVICE**

Mr. STANTON. Thank you very much, Mr. Chairman, Mr. Romero-Barceló, and distinguished members of the Subcommittee. It is my pleasure to appear before you and to present to you the Department of Interior's views on H.R. 834, a bill to extend the authorization for the National Historic Preservation Fund and for other purposes.

Mr. Chairman, I would just like to summarize my formal testimony, of which I have a copy, and with your permission, I would like to submit this for the record.

Mr. HANSEN. All of the statements will be included in the record in their completeness. We appreciate your summaries. Without objection, so ordered.

Mr. STANTON. Thank you again, Mr. Chairman. Again, it's an honor to appear before you and to be here with my distinguished colleagues from the Conference of State Historic Preservation Officers and the National Trust for Historic Preservation.

I am also accompanied by Miss Kay Stevenson, who is the National Park Services' Associate Director for Cultural Resource Stewardship and Partnerships.

Mr. Chairman and members of the Committee, the Department of Interior strongly supports H.R. 834. In particular, we endorse the reauthorization of the Historic Preservation Fund and the Advisory Council on Historic Preservation through the year 2005.

On April 12, 1999, the administration submitted a bill to Congress for its consideration with respect to the authorizing the extension of the Historic Preservation Fund and the Advisory Council. Certainly the Historic Preservation Fund has helped our Nation to preserve the cultural resources that are held in trust by the Federal Government and by local/state governments, as well as private individuals.

Approximately 1,600 new listings are added to the National Register annually, bringing the total now to over 69,000 properties that have been recognized by local communities, state officials, preservation and conservation organizations and, indeed, officials in the Federal Government. Those places and artifacts and other properties really commemorate our rich cultural heritage.

Also, the Historic Preservation Fund assists the State Historic Preservation Officers, who provide, on a day to day basis, assistance to individuals and organizations in identifying and in preserving again properties that are considered important to our cultural heritage. We certainly enjoy our partnership with the State Historic Preservation Officers and their staffs.

This Fund has made available to the states, on average, roughly half a million dollars annually to assist the states in carrying out their individual responsibilities. Roughly 90 percent of these funds are used directly by the individual states and the Trust Territories

in carrying out historic preservation activities, including tribal governments.

The Historic Preservation Fund, I should again underscore the importance to the rich cultural diversity, in that it does assist, as I mentioned earlier, the tribal governments in carrying out preservation of tribal resources that are not only for the benefit of the tribes themselves, but, indeed, to all of us as a Nation.

Also, we have been able to work closely with the leadership of many of our Historically Black Colleges and Universities. Many of these institutions were established after the Civil War, during the era in which members of our society moved from an enslaved condition into an era of freedom. Many colleges and universities were established specifically by various religious denominations and others to meet the educational needs of those who have moved into freedom. Many of these properties are very rich and are again reflective of our rich cultural heritage. Through this program, we have been able to assist many of those colleges in preserving their resources.

One of the real highlights of this authorization is a great partnership between the Federal and state governments and the private sector with respect to the Federal Tax Incentives for Rehabilitating Historic Buildings program. This is a great Federal/state and private partnership that has in the past leveraged something like over \$400 million in tax credits, resulting in roughly \$2 billion in private investment, again a great partnership in which the private sector is contributing to the preservation of our cultural heritage. Certainly this program remains a very highly cost-effective cornerstone of our public policy for historic preservation.

Lastly, the Act creates and provides assistance to the Advisory Council on Historic Preservation, which is a policy advisor to the Federal Government on historic preservation. We work very closely, on a day to day basis, with the Advisory Council, as well as the State Historic Preservation Officers. This is a great organization that assists us in giving good advice, not only to the Federal Government but, indeed, to the states and the private sector in various communities, in terms of how we can best work in achieving the preservation of our cultural heritage.

Lastly, I want to commend, on behalf of the Department of Interior and, indeed, the administration, the leadership of Representative Hefley for introducing this bill, and certainly to you, Mr. Chairman, and members of this Committee, for your support of this measure.

That concludes my overall summary comments, Mr. Chairman. As I mentioned earlier, we do have written testimony for the record.

I would be more than happy to respond to any comments or questions you may have. Certainly, if it should be the will of the Committee, I would feel free to call upon Miss Kay Stevenson to assist in responding as well.

Thank you again, Mr. Chairman, and members of the Committee, for this opportunity.

[The prepared statement of Mr. Stanton follows:]

**STATEMENT OF ROBERT STANTON, DIRECTOR, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS & PUBLIC LANDS, HOUSE COMMITTEE ON RESOURCES, CONCERNING H.R. 834, A BILL TO EXTEND THE AUTHORIZATION FOR THE NATIONAL HISTORIC PRESERVATION FUND, AND FOR OTHER PURPOSES.**

**APRIL 15, 1998**

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Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 834, a bill to extend authorization for the National Historic Preservation Fund, and for other purposes.

The Department strongly supports H.R. 834. In particular, the Department endorses the reauthorization of the Historic Preservation Fund and the Advisory Council on Historic Preservation through 2005. On April 12, 1999, the Administration transmitted to Congress a legislative proposal which would extend authorization of the Historic Preservation Fund and the Advisory Council on Historic Preservation through 2005.

Mr. Chairman, over thirty years ago, the Special Committee on Historic Preservation of the U.S. Conference of Mayors issued a report that made broad recommendations regarding the pressing need for a national historic preservation program. In response to the concerns raised by the U.S. Conference of Mayors, Congress passed the National Historic Preservation Act of 1966, which established the national historic preservation program. While there have been a number of significant amendments to the Act, one of the most significant was the creation of the Historic Preservation Fund in 1976. Congress

created the Historic Preservation Fund so that revenues from the use of outer continental shelf resources could help pay for the identification, evaluation, and protection of irreplaceable historic and archeological treasures. The Act is the basis upon which the Historic Preservation Fund was established. The creation of the Historic Preservation Fund helped to reduce the loss of much of this nation's invaluable heritage and established the means for the Federal government to protect and preserve our nation's historic sites, which are the tangible embodiments of America's past.

Under the Historic Preservation Fund, the National Park Service provides grant funds to states, tribes, local governments, and the National Trust for Historic Preservation to carry out, nationwide, the federal mandates authorized under the program. Fund activities support the identification and protection of the nation's irreplaceable historic and archeological resources for future generations of Americans. In FY 1998, 1,602 new listings were added to the National Register of Historic Places, bringing the total number of listings to over 69,000 and the number of individual historic properties to over one million. Included in this list are a number of notable sites, such as the Empire State Building in New York City and the Beverly Wilshire Hotel in Beverly Hills, California. But the National Register of Historic Places also includes lesser known sites, including the People's National Bank Building on East Main Street in York County, South Carolina, and the Frank M. Spalding House in Lancaster County, Nebraska. Each week, the Keeper of the National Register of Historic Places adds a number of historic sites to its roll that have had a impact in defining communities across this country.

The Historic Preservation Fund also supports the State Historic Preservation Offices. Appointed by their respective Governors, State Historic Preservation Officers assist individuals and organizations with nominations to the National Register of Historic Places; conduct comprehensive surveys and maintain information on inventories of historic properties; provide assistance and advice to Federal, State, and local agencies in carrying out their historic preservation activities; and provide help to property owners in the evaluation of proposals for the Federal historic preservation tax incentives. In FY 1998, more than 14 million acres were surveyed and over 185,000 properties were added to State Historic Preservation Office inventories.

While the average state grant in FY 1998 was a little more than \$531,000, states spent on average nearly 90 percent of these funds on historic preservation activities. For example, the Minnesota River town of St. Peter was devastated by tornadoes that tore through south central Minnesota on March 29, 1998. Many National Register structures were especially hit hard, and early estimates were that historic properties sustained more than \$93 million in damage. Disaster response and recovery efforts took several parallel tracks in concert with the response and recovery efforts underway by other federal and state agencies, as well as the City of St. Peter and Nicollet County. One of the challenges facing the SHPO was how to respond quickly and effectively to the many individual property owners affected. A team of some 35 volunteer architects was established to provide assistance. Workshops were held in the community to disseminate information, and SHPO staff accompanied FEMA officials on tours of historic properties and staffed disaster response centers daily for several weeks. By the end of FY 1998, a total of 33

project applications had been reviewed. The Historic Preservation Fund is an outstanding example of what can be accomplished through public-private and Federal-nonfederal partnerships.

The Historic Preservation Fund program also provides support for the preservation and protection of Native American cultural heritage. Since FY 1990, Congress has appropriated funds to assist tribes in protecting vanishing tribal cultural resources, to initiate preservation programs, and to encourage full tribal participation in the national preservation program. Of the estimated 45 grants to be awarded in FY 1999, 17 grants are being given to tribes to assume State Historic Preservation Office responsibilities. The emphasis on tribal grants will allow Native American tribes to develop capabilities for conducting sustainable preservation programs to protect and preserve their unique heritage.

Historically Black Colleges and Universities (HBCU) are also supported by the Historic Preservation Fund. In February 1998, the General Accounting Office issued a report on the "Cost to Restore Historic Properties at Historically Black Colleges and Universities". The report identified over 700 historic properties on HBCU campuses, nearly half of which were on the National Register of Historic Places, while another third have been identified as eligible for the National Register but have not yet been nominated. In FY 1999, over \$8.4 million will be provided to HBCU to continue their efforts to repair, restore, and preserve the historical facilities on these campuses.

One of the most recognized Federal/State partnerships supported through the Historic Preservation Fund is the Federal Tax Incentives for Rehabilitating Historic Buildings program, which is administered by the National Park Service and State Historic Preservation Officers. In FY 1998, the Federal Tax Incentives for Rehabilitating Historic Buildings program approved 1,036 projects, the highest number of projects approved in this decade. This acclaimed program has allowed the Federal/State partnership to leverage \$417 million in tax credits to raise over \$2.08 billion in private investment.

While the Federal Tax Incentives for Rehabilitating Historic Buildings program has been successful in preserving historic structures, the program also plays an important role in the economic impact on communities. On average, each approved project creates 39 new jobs. In FY 1998, over 40,400 jobs were created in the United States under this Federal tax incentive program. While new jobs were being created, the program has also been instrumental in increasing the number of housing units across the country, including over 6,600 low and moderate-income units created in 1998 alone. An example is the 1886 Hawthorne School in Dayton Ohio, where tax credits were used to rehabilitate the school into an apartment building with 20 mixed-income housing units. Another project is the Pacific Hotel in downtown Seattle, Washington. Constructed in 1916, the Pacific Hotel, originally known as the Leamington Hotel and Apartments, was renovated to preserve the historic interior while providing 112 units of affordable housing using the Federal historic rehabilitation tax credit.



The Historic Preservation Fund is highly cost-effective and remains the cornerstone of our public policy on historic preservation. It is essential for our national historic preservation partnership and a good value for all Americans.

Under the National Historic Preservation Act of 1966, Congress also created the Advisory Council on Historic Preservation. An independent Federal agency dedicated to historic preservation, the Advisory Council is the major policy advisor to the Federal government on historic preservation. The council is comprised of 20 members, including private citizens and experts in the field of historic preservation. Its mission is to advocate full consideration of historic values in Federal decisionmaking; to oversee the Section 106 review process, which requires Federal agency officials to consider the impact of their programs and projects on places of historic value; to review Federal programs and policies to further preservation efforts; to provide training, guidance, and information to the public and Federal entities; and to recommend administrative and legislative improvements for protecting the nation's heritage.

As part of its responsibilities, the Advisory Council plays an important role in working with all Federal agencies, such as the Department of Defense and U.S. Postal Service, to promote development of Federal agency programs that support the National Historic Preservation Act and to encourage Federal agency officials to incorporate historic preservation policies in their land-use planning, funding and licensing actions. To facilitate this goal, several agency heads are members of the Advisory Council, including the Secretary of Agriculture and the Secretary of the Interior, who are permanent

members of the Council. Four other agency heads currently appointed to terms on the Council are the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and the Administrator of the General Services Administration.

The Department of the Interior and the Advisory Council have a very close working relationship. Working together, along with state, local and tribal governments, the department and the Advisory Council have enhanced preservation efforts across the nation. The department strongly supports reauthorization of the Advisory Council on Historic Preservation through 2005. The council serves a critical role in the national historic preservation partnership and remains a vital part of the historic preservation success story in this country and deserves continued support.

We are pleased that H.R. 834 puts the reauthorization of the Advisory Council and the Historic Preservation Fund on a parallel schedule through 2005.

Other provisions included in H.R. 834 should improve the national historic preservation program. We support the proposed increased flexibility in amendment (1) that will allow the National Trust for Historic Preservation to improve implementation of its statutory mission. We note, however, that codification through section 1(5) of Executive Order 13006, which commits Federal agencies to give first consideration to locating Federal offices in historic areas and reiterates the Federal Government's support for historic preservation efforts, would have the adverse effect of superceding the Administration's

urban location policy in Executive Order 12072, as well as discounting section 601 of Title VI of the Rural Development Act of 1972, which requires agencies to give first priority to locating Federal buildings in rural areas. While the intent behind codification of E.O. 13006 is commendable, we believe that codification should not be done without consideration for E.O. 12072 or the 1972 Act and the manner in which the Administration reconciles the various administrative and statutory mandates. The department and the General Services Administration will be glad to work with the subcommittee on appropriate language.

In addition, we believe that section 1(3) of the bill may not clarify the application of the Act to the United States Capitol and its related buildings because the cited map, which is updated annually, may not be an appropriate reference. We stand ready to assist the subcommittee in drafting language that will address this deficiency.

In sum, we support H.R. 834 and thank Representative Hefley for his leadership in introducing this important legislation.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to respond to any questions you and other members of the subcommittee may have.

Mr HANSEN. Thank you. We appreciate your testimony.  
Mr. Hertfelder.

**STATEMENT OF ERIC HERTFELDER, EXECUTIVE DIRECTOR,  
NATIONAL CONFERENCE OF STATE HISTORIC PRESERVA-  
TION OFFICERS**

Mr. HERTFELDER. Thank you, Mr. Chairman.

Thank you, Mr. Chairman, and members of the Committee, for having this hearing today on H.R. 834. We would also like to thank Mr. Hefley for taking the lead to reauthorize critical elements of the National Historic Preservation Act, the deposits to the Historic Preservation Fund, and funding for the Advisory Council on Historic Preservation.

Our detailed comments on all of the sections of the bill is provided in our written testimony, which I assume will be in the record. In summary, we support all the provisions of the bill, and my remarks today will focus on the role of the states.

The National Historic Preservation Act is a model Federal program in many ways, and the Historic Preservation Fund is the fuel that keeps this program working. With the passage of the Act in 1966, which was a time of rapid change and disruption of major landmarks across the country, the Congress created the Federal Government's first and only comprehensive historic preservation program. Unlike many other Federal programs, however, this one was and remains based on a partnership with state, local and tribal governments, in which those governments actually deliver the program benefits and services to the public and, in addition, provide half the funding for the program. This reliance on others to do the administration and provide funding is, thus, a great return on investment for the Federal Government.

It is also a voluntary program, with a stress on making information on historic sites available to the public, to promote informed decision making, and providing incentives to the private sector to keep historic structures in productive use. The most remarkable example of the success of this approach is the program that Director Stanton mentioned, the historic rehabilitation tax credits, which are now generating \$2 billion a year in private investment.

Finally, this is a program where the emphasis is getting the decisions and the resources out of Washington and to the state and local level. Each of the State Historic Preservation Offices and certified local governments is a field office for the Secretary of the Interior and the National Park Service for the Federal historic preservation program, but one which operates based upon and attuned to local needs and priorities.

The states are proud to be a partner with the Federal Government to carry out this important program, but because it is a Federal program and the states carry out the Federal responsibilities, it is important that the Federal funding continue and be enhanced to keep up with public demand and increasing workloads.

The principle behind the Historic Preservation Fund is a powerful and practical idea: to dedicate revenues from the depletion of one national resource to the conservation of others. There may be a time when the OCS revenues will decline or cease and our conservation programs will then have to work against a declining bal-

ance. However, we should not cut off the funding stream prematurely, as this will limit Congress' options in the future and, we think, send a bad signal to all the Federal Government's partners in this program, without whom the program will fail.

Finally, preserving the Nation's heritage is no accident. It requires substantial and steady support for the long haul, and the active participation of all levels of government, as well as the private sector.

Historic sites are never permanently saved, except in photographs. To have the real thing available, to foster community pride and sense of place, and to provide new opportunities for economic development, requires ongoing maintenance and timely expert assistance. The Historic Preservation Fund, with its dedicated funding source for the programs of the National Historic Preservation Act, is the embodiment of this principle, and the states urge Congress to reauthorize the deposits to the Fund as quickly as possible.

Thank you.

[The prepared statement of Mr. Hertfelder follows:]

#### STATEMENT OF MR. HERTFELDER, NATIONAL HISTORIC PRESERVATION FUND

The National Conference of State Historic Preservation Officers urges the House to pass H.R. 834. Among other provisions, the bill would extend to the year 2005 the authorization for deposits from offshore oil lease revenues into the Historic Preservation Fund and the authorization of the Advisory Council on Historic Preservation.

These two provisions (Section I Paragraph (4) of H. R. 834 for the Historic Preservation Fund and Section 1 Paragraph (6) for the Council) are priorities for the National Conference. We believe the extensions to 2005 are non-partisan and essential for continuing two key elements of the Nation's historic preservation program.

#### INTRODUCTION AND EXPRESSION OF THANKS

The National Conference of State Historic Preservation Officers is the organization of the gubernatorially appointed officials in each State, territory and the District of Columbia who carry out the Nation's historic preservation program for the Secretary of the Interior and the Advisory Council on Historic Preservation as provided for in the National Historic Preservation Act.

This is a program that truly embodies the principles of federalism. For over three decades, States have willingly worked with the Federal Government to provide the infrastructure for historic preservation because our common heritage merits a coordinated, team approach from government while permitting variations for local conditions. That said, we fully acknowledge that the true work of historic preservation is carried out by the private sector, those millions of individuals who voluntarily accomplish historic preservation. The role of government—Federal and State—is to facilitate and encourage private efforts.

The National Conference and the State Historic Preservation Officers extend their thanks to Subcommittee Chairman James Hansen and Representative Joel Hefley for acknowledging the importance of the national historic preservation program by holding this hearing. We appreciate all efforts to expedite passage of H. R. 834.

#### SCOPE OF TESTIMONY

The National Conference represents State governments. While we fully support the establishment of Tribal Preservation Offices (Section 101(d) of the 1992 amendments to the Act), we would not presume to speak on behalf of Native American historic preservation activities.

#### WHAT THE HISTORIC PRESERVATION FUND DOES

Congress established the Historic Preservation Fund to provide an income stream for the enhancement of historic, non-renewable resources. To do this, Congress used a portion of the revenues earned from the depletion of a non-renewable natural resource, offshore oil.

The Historic Preservation Fund has been a good investment. The annual withdrawals that Congress appropriates for the States have established historic preservation as a viable option for private citizens nationwide and a planning requirement

for Federal agencies. Further, States have responded by providing an equal match to the Federal dollars, adding a State-government commitment to historic preservation and coloring the national approach to suit the varied conditions and history of this Nation.

The Historic Preservation Fund, when matched by the States and conducted by the State Historic Preservation Officers, provides a point of contact for private citizens interested in preserving their heritage. The national preservation program helps interested property owners identify and obtain recognition of significant places (National Register), and obtain financial incentives for preservation of income-producing properties through income tax credits. The program also provides for local governments to participate in the Federal program. These preservation services follow national standards set by the National Park Service ensuring a degree of consistency and quality control. State decisions on historic significance come from a store of knowledge about historic places found in the inventories each State maintains. Such databases on historic buildings and sites are a tremendous resource for understanding American history, not from the top down, but from the ground level of individuals and communities across America. The on-going progress in digitizing historic inventory information has unlimited potential to expedite and facilitate understanding of our history through educational programs and heritage tourism.

Today the information on historic places and their location is used most often in the consultations between State Historic Preservation Officers and Federal agencies planning undertakings. While the National Historic Preservation Act can not determine the outcome of a Federal project, Section 106 does require that Federal agencies consider historic places as they plan projects. This sometimes puts State Historic Preservation Officers in the cross fire between the proponents and opponents of a project. However, of the 100,000 Federal undertakings the State Historic Preservation Officers review each year, less than a dozen fail to be resolved and need to be considered by the full Advisory Council on Historic Preservation. This mandated consultation about historic preservation among Federal agencies, States and other interested parties provides effective consideration for our heritage as a part of Federal project planning.

If the Historic Preservation Fund were not reauthorized, we could not realistically expect the States to fund the national historic preservation program by themselves. Who then would assist property owners seeking National Register listing? Who would help preservation-minded developers seeking the 20 percent historic rehabilitation investment tax credit? How would Federal agencies meet project schedules while they seek the Council's comments? How could our communities realize the economic, educational and cultural benefits they now realize from the identification, preservation and use of their historic resources? Who would make up the losses to neighborhood revitalization, heritage tourism, community identity, the education of our children, the ability to attract new investment, and the quality of life for communities across America?

The nation reaps these benefits from this far-reaching and efficient economic development program, although currently its annual cost to the Federal treasury is about one hour's expenditure (\$30 million) at the Department of Defense. Yet with last year's \$30 million appropriation, the Congress leveraged \$2 billion in construction dollars through the historic rehabilitation tax credit alone.

The Historic Preservation Fund has made possible a well functioning team where the Federal Government sets the standards, the States do the work and the Congress determines the level of effort (through the appropriations process).

#### **COTERMINOUS AUTHORIZATIONS: HPF AND THE COUNCIL**

The National Conference believes that it makes sense to set the Historic Preservation Fund and the Advisory Council on Historic Preservation on the same review schedule, and we strongly support setting the date for Congressional review for both at 2005. The Advisory Council fulfills an essential Federal role in the national historic preservation program, developing and implementing the review process whereby Federal agencies consider the impact of their projects on historic properties. As with many other parts of the national program, the Council relies upon the State Historic Preservation Officers to assist in this process, and the States' participation in this Federal program is made possible by the support from the Historic Preservation Fund.

#### **VIEWS OF THE NATIONAL CONFERENCE ON H.R. 834**

##### *Paragraph (1) Authorization of funding for the National Trust*

The National Conference acknowledges the role of the National Trust in the private sector and supports the ability of the Congress to choose this private organization as a conduit for grants for national emergencies, among other things.

*Paragraph (2) Re-designation of subsections*

This paragraph re-designates two subsections in Section 102 of the National Historic Preservation Act: Subsection 102(d) as Subsection 102(e) and Subsection 102(e) as Subsection 102(f). The National Conference cannot find a new, proposed Subsection 102(d) in H. R. 834. We believe this paragraph should be dropped as it serves no purpose.

*Paragraph (3) Definition of exemptions for Capitol, White House and Supreme Court*

The intent of this provision amending Section 107, which the National Conference supports, is to clarify which properties under the jurisdiction of the Architect of the Capitol should be exempt from Section 106 of the Act. The areas related to the White House and the Supreme Court are well understood. It is the definition of what land constitutes "the Capitol" that has caused controversy. The bill refers to a map as the definition of "the Capitol." We understand that this map is updated periodically and may therefore not be a good reference point. We also understand that uncertainty exists as to whether the Architect of the Capitol constitutes a "Federal agency" subject to compliance with Section 106.

Therefore, the National Conference believes the goals of H.R. 834 are to clarify the area, defined as the Capitol, exempted in Section 107 of the Act as a "campus" that includes the Capitol building itself and the current House and Senate office buildings with the associated grounds. H.R. 834 needs to make clear that when the Architect of the Capitol acts "off campus," Section 106 applies to the actions of the Architect. This concept reflects the current language of Section 107: "... the United States Capitol and its related buildings and grounds."

*Paragraph (4) Extension of the authorization of the Historic Preservation Fund*

The National Conference wholeheartedly supports this provision.

*Paragraph (7) Location of Federal facilities in historic downtowns*

Historic preservationists support the idea of using existing buildings in existing communities with existing infrastructure and transportation networks versus building new buildings and new infrastructure and new parking lots in the countryside. The President's Executive Order 13006 directs Federal agencies to do this, among other things. The National Conference supports codification of this portion of the Executive Order, although the opposition of the General Services Administration to this provision as originally drafted in H.R. 834 is cause for skepticism as to whether this approach will yield results.

*Paragraph (5) Editorial changes in Section 110(l)*

The National Conference supports this editorial change, as it increases the flexibility, for agencies as they comply with the National Historic Preservation Act.

*Paragraph (6) Extension of the Council's authorization*

The National Conference wholeheartedly supports this provision.

**ADDITIONAL CONCERNS OF THE NATIONAL CONFERENCE**

Section 101(e)(3)(A) of the National Historic Preservation Act makes it clear that only 10 percent of the Historic Preservation Fund appropriation is to go for direct grants of the Secretary of the Interior. The primary purpose of the Historic Preservation Fund is to finance the implementation of the nation's historic preservation program carried out by State, tribal and local governments. The Fund is not intended for funding Federal projects. (Section 110 of the Act indicates Federal preservation programs are to be funded out of Federal agency budgets.) Nevertheless, in fiscal year 1999, 60 percent of the Historic Preservation Fund appropriation went to direct grants of the Secretary of the Interior. The actual use of off shore oil revenues is "out of balance." The intent of the Historic Preservation Fund is to fund State, tribal and local governments. Ignoring this intent puts the 95 percent of the nation's historic properties that exist outside Federal ownership at risk.

The National Conference appreciates the opportunity to raise this concern with the Subcommittee.

Thank you for the opportunity to present our views.

Mr HANSEN. Thank you.

Tamar Osterman.

**STATEMENT OF TAMAR OSTERMAN, DIRECTOR OF POLICY  
RESEARCH, NATIONAL TRUST FOR HISTORIC PRESERVATION**

Ms. OSTERMAN. Thank you, Mr. Chairman, members of the Committee. It's a pleasure to appear before you today to testify in support of H.R. 834. We want to commend Congressman Hefley, and you and the Subcommittee, for the leadership and support you have shown for historic preservation.

The National Trust for Historic Preservation is a nonprofit organization, with more than 270,000 members. We were chartered by Congress 50 years ago this year to promote public participation and education in historic preservation, and to engage the private sector in preserving our Nation's heritage. We work closely with Federal, state and local governments and citizens all over the country who are working not only to preserve their past but to build a better future. The National Historic Preservation Act and the Historic Preservation Fund are very important tools and, really, the cornerstone of that effort.

We enthusiastically endorse H.R. 834, and I want to mention several specific issues that are important to us.

First of all, reauthorization of the deposits to the Historic Preservation fund to 2005 is a top priority of the Trust. The states and tribes and certified local governments utilize this funding to achieve the responsibilities with which they are charged in the National Historic Preservation Act of 1966, which Mr. Hertfelder just enumerated.

Through these activities, Federal funding for historic preservation not only preserves our Nation's historical legacy, but it also creates jobs, promotes local economic development, and it produces a much larger financial commitment from private sources, as well as other public sources.

Second, we strongly support the language in H.R. 834 that would provide statutory support to Executive Order 13006, signed by President Clinton in 1996, which calls on GSA and other Federal agencies to first consider historic districts and historic buildings in downtown areas when selecting sites for new Federal facilities.

We believe that this provision will support GSA's efforts to implement the Executive order. We know that they have recently issued very effective implementing guidelines, and we feel this legislation would strengthen their work.

Third, we support the language in section 1 of H.R. 834 that would authorize the Trust to continue to receive funding through the Historic Preservation Fund.

Four years ago, the National Trust and Congress negotiated an agreement for the National Trust to phase out its Federal appropriation. Beginning this year, fiscal year 1999, the National Trust no longer receives an appropriation to support its operations, but from time to time Congress and the National Park Service and other agencies have determined that the National Trust is the best provider of historic preservation assistance to communities, particularly with regard to disaster assistance. Congressional authorization facilitates the release of funding and project management responsibilities to the National Trust. It ensures a quality control framework and that assistance will be provided quickly to communities in need.



Fourth, we support language that would extend the Advisory Council on Historic Preservation's authorization to 2005 and make its authorization schedule coterminous with that of the Historic Preservation Fund's. The Advisory Council, on which the National Trust serves, plays an important role in ensuring that the impact of Federal projects on historic resources is taken into account.

It occurs to me, after listening to Congresswoman Norton's statement, that this is exactly the kind of situation which the Council is uniquely equipped to assist, to come in and try to help parties work out a settlement on scenarios and sites where there has been some conflict.

Extending the Council's authorization is important to those kinds of efforts, and coordinating that with the Historic Preservation Fund will make things easier for everyone.

Finally, the National Trust also supports the language to amend section 107 of the National Historic Preservation Act, to clarify and limit the exemption from the Act to the White House and its grounds, the Supreme Court buildings and its grounds, and the Capitol and its related buildings and grounds.

We believe that this is an appropriate enumeration of the Architect of the Capitol's jurisdiction with regard to section 107. Moreover, it is consistent with the legislative history of the National Historic Preservation Act of 1966, and congressional intent, as enumerated in the report of that initial passage of the Act, which specifically mentions principal buildings and grounds.

Mr. Chairman, this concludes my testimony on H.R. 834. The Trust enthusiastically supports this bill, and we thank you for the opportunity to testify.

[The prepared statement of Ms. Osterman follows:]

STATEMENT OF TAMAR OSTERMAN, DIRECTOR OF POLICY RESEARCH, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. Chairman, members of the Subcommittee, it is a pleasure to appear before you to testify regarding H.R. 834, legislation to extend the authorization of deposits to the Historic Preservation Fund, and for other purposes.

The National Trust for Historic Preservation is a non-profit organization with more than 270,000 members, chartered by Congress to promote public participation and education in historic preservation and to engage the private sector in preserving our nation's heritage. As the leader of the national historic preservation movement, the National Trust is committed to saving America's diverse historic places and to preserving and revitalizing communities nationwide.

Congress established the Historic Preservation Fund (HPF) under the National Historic Preservation Act of 1966. The Historic Preservation Fund is capitalized by royalties paid to the Federal Government from Outer Continental Shelf oil drilling leases. Approximately \$150 million flows into the Fund every year. Historically, Congress has appropriated a fraction of this amount—almost \$41 million in Fiscal Year 1998—through the National Park Service. In Fiscal Year 1999, this amount was increased to \$72 million for the first year of the Save America's Treasures program. Annual appropriations from the HPF provide key support to the preservation activities of the state historic preservation offices, Indian tribes and Native Hawaiian organizations, and historically black colleges and universities. Authorization for funding from the HPF to each of these entities is provided in the National Historic Preservation Act.

The National Trust strongly endorses extending to 2005 the reauthorization of deposits to the Historic Preservation Fund. HPF dollars help achieve the Congressionally-mandated objective of preserving our Nation's invaluable historic and cultural heritage for the education, benefit, and use of present and future generations. The States, Tribes, and Certified Local Governments utilize this funding to achieve the responsibilities with which they are charged in the National Historic Preservation Act. Through these activities, Federal funding for historic preservation not only pre-

serves our nation's historical legacy but also creates jobs, promotes local economic development, and produces much larger financial commitments from private sources as well as other public sources.

The reauthorization of the Historic Preservation Fund is a legislative priority for the National Trust and therefore we enthusiastically support H.R. 834 for proposing to accomplish this end. We commend and thank Congressman Hefley for his support for historic preservation and the Historic Preservation Fund.

I want to take this opportunity to elaborate upon two other provisions of H.R. 834 that are of particular interest to the National Trust. H.R. 834 would provide statutory support to Executive Order 13006, signed by President Clinton in 1996, which calls on the General Services Administration and other Federal agencies to first consider historic districts and historic buildings in downtown areas when selecting sites for Federal facilities. Historic preservation often involves real estate activity, and historic buildings must be used in order to be preserved. Directing the Federal Government's considerable property acquisition and leasing requirements toward historic resources will significantly assist in that effort. In addition, by locating Federal facilities in historic downtown areas, the Federal Government will be assisting local economic revitalization efforts and will save taxpayer dollars on land use and infrastructure development.

The National Trust was an early advocate for this executive order, and we are presently working closely with the General Services Administration on its implementation. We believe that codifying this executive order in law will significantly assist in that effort. Making Executive Order 13006 a part of the National Historic Preservation Act will hold Federal agencies accountable to law, and will improve its chances for broad implementation.

Moreover, amending Section 110 of the National Historic Preservation Act to incorporate portions of Executive Order 13006 could help improve the Federal land managing agencies' implementation of that portion of the Act, which details Federal agencies' responsibility to preserve and use historic buildings. Over the last several years, the National Trust has become increasingly engaged in the issues surrounding the Federal Government's stewardship of its historic resources, broadening this interest beyond the traditional purview of the historic resources managed as national park units. We have discovered, regrettably, that although good management of historic resources rarely conflicts with agency missions and responsibilities, in far too many cases there is missing a broad commitment to fulfillment of Section 110 requirements.

We believe that Federal agencies, particularly the Department of Defense, the Department of the Interior, and the General Services Administration, which control a great deal of historic lands and resources, need to be held accountable to their Section 110 responsibilities. We will continue to work with our preservation partners, and with Federal agencies to better achieve this goal. We commend this Committee, as the committee of jurisdiction for historic resources, for taking an active interest in this matter, first with the passage of H.R. 1522, and now with consideration of H.R. 834. We urge that appropriate provisions of Executive Order 13006 be incorporated into law, as proposed in H.R. 1522 and H.R. 834.

The National Trust also strongly supports Section 1 (3) in H.R. 834. This provision would amend Section 107 of the National Historic Preservation Act, which exempts the White House and its grounds, the Supreme Court building and its grounds, and the United States Capitol and its related buildings and grounds from the Act. Our most recent experience with Section 107 comes from our involvement in 1996 with the Stanton Park Neighborhood Association, and other District of Columbia preservation partners, as well as Delegate Eleanor Holmes Norton and other Members of Congress, in an effort to oppose demolition of a contributing 19th century rowhouse in the Capitol Hill Historic District owned by the legislative branch. The demolition had been ordered by the then-Architect of the Capitol in order that a new building could be constructed to house the Senate day care facility, a privately-operated enterprise.

This property, which has since been demolished, was located in the middle of a commercial and residential neighborhood several blocks from the Capitol grounds. We believe that this demolition was an unreasonable interpretation of the Section 107 exemption and was inconsistent with the legislative history of the National Historic Preservation Act. When the House of Representatives passed the NHPA in 1966, the House Committee on Interior and Insular Affairs included report language that specifically defined the intent of Congress in granting the Section 107 exemption, by specifying that this exemption be for "principal buildings and grounds." ("House Interior and Insular Affairs Committee, House Report 1916, August 30, 1966, to accompany S. 3035.")

H.R. 834 proposes to limit the Section 107 exemption to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds, with a relevant cartographic citation. The National Trust supports this provision as an appropriate enumeration of the Architect of the Capitol's jurisdiction with regard to Section 107 and as consistent with the legislative history of the National Historic Preservation Act of 1966 and Congressional intent.

Mr. Chairman, this concludes my prepared testimony on H.R. 834. The National Trust enthusiastically supports this legislation, and I thank you for the opportunity to testify before this Subcommittee.

Mr. HANSEN. Thank you very much.

Questions for the panel? The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. Thank you, Mr. Chairman.

Mr. Chairman, I have a question for Mr. Stanton, not directly related to the issue here, but related to the Historic Preservation Act.

This Act provides support to the Historically Black Colleges and Universities for the restoration of their historic campus properties. Is there a reason why it doesn't provide the same for the Hispanic-serving institutions?

Mr. STANTON. Thank you very much for the question.

Three years ago, I believe, there was a measure enacted in Congress that specifically asked that funding be earmarked for a select number of Historically Black Colleges and Universities, so it does not necessarily preclude other colleges and universities, through the normal grant process, of applying, as long as it has been determined by local and state officials—in this instance, a Commonwealth official—that it is historic and should be preserved.

So no one is excluded, necessarily, other than Congress asking specifically that we give some priority attention to Historically Black Colleges and Universities, that had prominent cultural resources that were deteriorating at a rapid pace. Many of these are over a hundred years old.

Mr. ROMERO-BARCELÓ. There are several campuses throughout the Southwest, from Texas to California, and——

Mr. STANTON. They are eligible to compete, that is correct, sir.

Mr. ROMERO-BARCELÓ. [continuing] and in Florida, and also Puerto Rico.

Mr. STANTON. That is correct.

Mr. ROMERO-BARCELÓ. Thank you very much.

Mr. STANTON. Thank you.

Mr. HANSEN. The gentleman from Colorado, Mr. Hefley.

Mr. HEFLEY. Thank you. I appreciate all of your testimony.

I'm curious. You know, I guess the first Executive order was in '71 by Nixon, dealing with the Federal Government's Federal agencies and historic preservation. What since that time has been the government's record, and more specifically, before the moratorium on visitor centers three years ago, what was the record of government agencies in utilizing historic buildings for visitor centers and for other purposes? I guess maybe the Park Service particularly would be where I direct that question.

Mr. STANTON. Yes. We have as a policy, Mr. Hefley, a priority to give consideration to historic properties that are under the jurisdiction of the National Park Service throughout the National Park System, and many of our parks are located in developed areas—some, obviously, in more remote rural areas. But in those instance

in which we can adaptively use a historic structure for a visitor center, administrative purposes of all sorts, we attempt to do that.

Also, Congress has given us authorization to lease, under certain conditions, historic properties located in our parks to nongovernmental entities, on a rehabilitation basis or they could pay an appropriate fee for the use of the structure that adds towards the preservation of those cultural resources. But, by and large, our thrust is to make adaptive use of cultural resources for contemporary purposes.

Mr. HEFLEY. Under present law, the words "to the maximum extent feasible" are used, while in H.R. 834 we have changed the language to "when operationally appropriate and economically prudent."

Could you or any of the other panelists speak to those two phrases on what different that might or might not make, either for good or bad, in this legislation?

Mr. STANTON. I would comment, Mr. Hefley, I think from two perspectives.

One is, obviously, within the National Park Service, we have an organic Act with respect to those resources that are not our direct responsibility. We are responsible for preserving cultural resources in various parks throughout the system. But for those cultural resources, we have to make some engineering and architectural evaluation in terms of whether or not a structure could be modified in a reasonable way to accommodate a contemporary use.

Then, I believe, also the legislation and the Executive order would speak to those instances in which the General Services Administration would be constructing or otherwise leasing buildings to meet certain office or other kinds of administrative needs for Federal agencies throughout the country and the Executive order speak to the General Services Administration in looking at historic properties to meet the needs of the Federal Government, and obviously to try to adapt to the use of historic properties, if it is determined to be cost effective and reasonable and prudent to do so.

Mr. HEFLEY. Would your bottom line conclusion be that there is very little difference in how you would operate based upon those two phrases, the change in that phrase?

Mr. STANTON. I would submit that there is not much difference. I think the spirit of it is the same.

Mr. HEFLEY. Yes, I think you're right.

Anyone else?

Mr. STANTON. I would turn to my colleagues, with respect to some of their experiences in managing cultural resources.

Mr. HERTFELDER. Yes, I think I would agree, although—Mr. Hefley, you said the current language is "to the maximum extent feasible", and that is in which section?

Mr. HEFLEY. I'm sorry, I don't have the citation here. Section 110.

Mr. STANTON. I think that's the Executive order he's referring to.

Mr. HERTFELDER. I'm sorry. That's in the Executive order. I think, just hearing those two phrases, that they probably overlap pretty heavily.

I think I would agree with the Director, that the statement of congressional intent, regardless of the exact words used, but having

passed that section of the bill, would probably be the best tool for the public to understand what Federal agencies should do.

I use the word "tool" advisedly, because I've come to think of historic preservation, or the way to do historic preservation, is you need to have a big "tool kit", which means you have to have not only a hammer but also a wrench, a screwdriver and, if you're smart, a "band aid" in it, too. The reason is you can't really predict what the situation is going to be or what a Federal agency is going to face in the future.

But by having a structure throughout the country, in the state and local governments, with all the expertise they have under this Act—the Advisory Council with its dispute resolution expertise, and at the Federal level tax incentives, where perhaps there's a public/private partnership and you can entice a private developer to do something for the Federal Government to lease—having all those tools available, and you're never quite sure when you're going to need them, that allows those interests in preservation to have the best chance possible to have success. That's what this Act is all about.

Mr. HANSEN. The gentleman from Colorado, Mr. Udall.

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman. I just want to make a comment and then ask Director Stanton a question.

I want to thank the dean of our Colorado delegation, Mr. Hefley, for bringing this legislation. I would like to be added as a cosponsor, if it wouldn't hurt your eventual prospects for the bill.

[Laughter.]

Mr. HEFLEY. I would be honored.

Mr. UDALL OF COLORADO. Great.

I want to thank the panel for taking the time to appear before us today.

I had a question for Director Stanton. You talked a little bit about tax credits and the value that they have for historic preservation. Are those in permanent law, or do they have to be reauthorized periodically?

Mr. STANTON. The law gives us authority to grant tax incentives to a developer that would contribute towards the preservation of resources.

But it has to go through an evaluative process, starting at the local level and ultimately coming to the National Park Service for final certification, that what has been proposed is consistent with the law and that, if it's acceptable, then the developer would be entitled, again under the law, to receive a tax benefit for the investment they would make. There is no sunset provision.

Mr. UDALL OF COLORADO. I'm sorry? There is no—

Mr. STANTON. [continuing] sunset provision.

Mr. UDALL OF COLORADO. No sunset provision. So they're in place and will continue to be available?

Mr. STANTON. That's correct.

Mr. UDALL OF COLORADO. Thank you very much.

Mr. Chairman, I yield back the rest of my time.

Mr. HANSEN. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

I don't have any questions particularly, but I do want to say that I think this is a great program. I always have loved history.

I notice in your literature that you're working to preserve some of the historic hotels. We have a beautiful old theater in downtown Knoxville called the "Tennessee Theater", which was built in 1927. A few years ago I think that theater was close to being demolished. Now it has been saved, and there are many examples like that all across the country. So I think this is a great program.

Actually, I had the privilege of introducing the bill that allowed the funding to go to the Historically Black Colleges and Universities, Mr. Stanton, and I can tell you that that has made a tremendous difference at Knoxville College.

You know, many of the small, private colleges around the country, whether black colleges or all of the small, private colleges, many of them have had real struggles to survive in recent years. For instance, at the University of Tennessee in Knoxville, each student, I think, receives kind of a subsidy of almost \$7,000 per student, but these private, small colleges, they don't receive anything like that. So this particular legislation has made a big difference for these colleges.

Not everybody needs to go to one of the big, giant universities. I remember when we had the first hearing on this. I said at that time that I went to the University of Tennessee, but I probably should have gone to a smaller college because I was so bashful, and not everybody fits in or needs to go to one of these big, giant universities.

So I really appreciate what you've done for Knoxville College and these other colleges, although I wouldn't have a problem in extending it to some of the other historic buildings on some of the other colleges campuses as well. But thank you very much for what you're doing on this.

Mr. STANTON. Thank you, Congressman Duncan.

Mr. HANSEN. The gentleman from New Mexico, Mr. Udall.

Mr. UDALL OF NEW MEXICO. Thank you, Chairman Hansen, and thank you, members of the panel, for being here.

Director Stanton, I know that you were first hired by my father to work for the National Park Service.

Mr. STANTON. That's correct.

Mr. UDALL OF NEW MEXICO. I can tell you, he would be very proud today to see that you're heading up this very important agency.

Mr. STANTON. That's very kind of you. Thank you.

Mr. UDALL OF NEW MEXICO. I want to try to get to the root of a problem here that looks like we have a little bit of a conflict, Mr. Hefley, between the two Executive orders and the statute, in terms of locating Federal buildings in historic areas.

I notice that Director Stanton mentions that in his testimony, that we have Executive Order 13006, which gives direction and first consideration to Federal agencies to locate in historic areas, and then we also have a statute that apparently tries to give priority for Federal buildings to be located in rural areas. It seems like both the administration and maybe the Congress at this point aren't clearly focusing in on what we want to do in terms of historic areas.

I mean, I'm a little bit torn on this, I must say, because I represent a rural area. I would love to see more Federal buildings in

rural areas, although I understand the intent very much of Mr. Hefley to try to give a directive in his bill to specifically say that first consideration should be given to locating Federal offices in historic areas.

What are your thoughts on that? I notice you recommend—I think this is your testimony, Director—that you might be willing to work with language to clarify that.

Mr. STANTON. Yes. I appreciate that.

There are two Executive orders and one Act of Congress that directs the Federal Government to look at the location of Federal buildings and emphasize the use of historic properties. What we believe within the Department of Interior, and obviously the General Services Administration, which is the principal procurer of real estate, if you will, and offices to accommodate the government function, would be a principal participant in further review of this, and certainly all would agree that the provision included in the bill introduced by Congressman Hefley is commendable. I think the objective is the same for all and that all objectives could be met.

I would like, Mr. Udall, if possible, to ask Miss Osterman to respond. Her office has done a great deal of work, in collaboration with the Department of Interior and the General Services Administration, on this.

Mr. UDALL OF NEW MEXICO. That would be great.

Ms. OSTERMAN. Thank you very much.

I am happy to respond to this point because the National Trust was involved not only with the drafting of Executive Order 13006, but also the revamping of the other Executive order in question, which took place at approximately the same period of time.

It is our belief that there is no conflict between these Executive orders, nor between the Rural Development Act. In fact, first of all, our view is that the same underlying intent exists, in fact, in both Executive orders and in the Rural Development Act, which is to use Federal agencies to reinforce economic vitality and viability of various economic centers around the country.

In fact, Executive Order 13006 is at the moment being very much in play in rural areas—in fact, in a sense more so than in large downtown areas, where Federal agencies are often drawn because of the population mass and transportation facilities.

But in smaller towns, where we've been working very closely with GSA and Federal agencies, particularly offices like USDA field offices that are located in rural areas throughout the country, because what's happening there is that you'll have a downtown—rural areas have downtown areas, of course. What we want to see happen, what the communities want to see happen, what the intent of both Executive orders is, and I believe the Rural Development Act, is that where you have the economic centers already in place, you want to use the Federal facilities to continue to anchor them. You don't want them leaving the downtown areas and going out into greenfields beyond where there is no development, and starting to foster and draw development away from the already built up areas. That's true in communities of any size.

Be that as it may, as we read this language here, we think this is entirely consistent. In fact, Executive Order 13006 acknowledges the Rural Development Act in its language.

Mr. UDALL OF NEW MEXICO. So you don't have any problem with this giving first consideration to historic properties within historic districts because you believe it's compatible, that you could locate in a rural area or you could locate in a downtown area, and there's not any incompatibility then?

Ms. OSTERMAN. Not at all, because historic districts are really most frequently found in—especially in small towns, you're going to find them in what you think of as traditional downtown core areas. You're going to find them in places of historic settlement, obviously. These are the kind of places that we want to reinforce the economic life of and where we would like to see the Federal facilities located.

You know, it's strictly a tiered process. In the two years that this Executive order has been in place, we haven't heard of any kinds of conflict, any vying between cities and small towns, between cities and rural areas, over the location of a Federal facility. What you're usually talking about is, "Is it going to be in the core downtown area, or is it going to be two miles away in the middle of a corn field".

Mr. UDALL OF NEW MEXICO. So you don't see any need for it to be amended, Director Stanton, at this point?

Mr. STANTON. No, I think it's a question of whether or not the language, as set forth in the draft bill, perhaps could be modified in some fashion. But I would defer again to the General Services Administration, working certainly with the National Trust for Historic Preservation and others. But we believe the intent is in place and there is no basic problem.

Mr. UDALL OF NEW MEXICO. Mr. Hefley, if we can resolve this issue, I would be happy to join up and cosponsor. I commend your effort at trying to get reauthorization of what I think is a very important Act.

Thank you very much, Mr. Chairman.

Mr. HEFLEY. If the gentleman will yield—

Mr. UDALL OF NEW MEXICO. Sure.

Mr. HEFLEY. I think our witness did a much better job than I could in responding to your question. But there was no intent to shift the emphasis. From a practical standpoint, you might have a historic barn two miles outside of Eufaula, OK or Taos, NM and you wouldn't want a government building going out there to do that, and develop shopping centers around it and parking lots and all that kind of thing. I think you explained that very, very well.

So the intent was not to take away the emphasis from the rural area, but if there is language we need to tighten it up, I would be happy to work with you on that. I would be honored to have both of the Udalls as cosponsors, and also Jimmy Duncan and any of the rest of the Committee who would like to join in. I think this is something there is vast agreement on, and if there are little tweaks we need to do, we're happy to work with you to do that.

Mr. UDALL OF NEW MEXICO. Thank you very much. The Udalls don't want to weight it down, though.

[Laughter.]

Mr. HANSEN. The gentleman from California, Mr. Pombo.

Mr. POMBO. No questions.

Mr. HANSEN. The gentleman from California has no questions.



Is there any Member of the Committee that has further questions for the panel? Members of the panel, do you have something "burning in your bosom" that you just have to say?

If not, we thank you for your excellent testimony. It is the intent of the Subcommittee to move this legislation as rapidly as we can. Thanks for being here.

We are adjourned.

[Whereupon, at 11 a.m., the Subcommittee adjourned.]