

# Committee on Resources

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## Testimony

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Statement of Edward M. Norton, Jr.,  
National Trust for Historic Preservation  
on H.R. 1522  
before the Subcommittee on National Parks, Forests, and Lands  
HOUSE RESOURCES COMMITTEE  
U.S. House of Representatives  
SEPTEMBER 30, 1997

Mr. Chairman, members of the Committee, it is a pleasure to appear before this Committee to testify on H.R. 1522, 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 265,000 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--\$36 million in Fiscal Year 1997--through the National Park Service. Annual appropriations from the HPF provide key support to the preservation activities of the state historic preservation offices, Indian tribes and Native Hawai'ian organizations, historically black colleges and universities and, through Fiscal Year 1998, the National Trust for Historic Preservation. Authorization for funding from the HPF to each of these entities is provided for in the National Historic Preservation Act.

The National Trust strongly endorses 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 National Trust 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 preserves 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.

I will turn now to the other provisions of H.R. 1522, which amend the National Historic Preservation Act (NHPA). The NHPA was substantially amended in 1992, and it is our opinion that Act does not require amendment at this time, only five years after that reauthorization. Nonetheless, the National Trust is pleased provide comments on H.R. 1522, and to specifically support several of its provisions.

The National Trust commends Congressman Hefley for proposing in H.R. 1522 to 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 new 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 siting 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.

The National Trust also strongly supports Section 1 (6) in H.R. 1522. This provision would repeal 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 last year with the Staunton 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 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.") We recommend, therefore, that the Section 107 exemption only apply to those principal buildings and grounds as defined by 40 U.S.C. Subsection 193a. I have attached this language for your information.

The National Trust also supports the provision in H.R. 1522 which would add a new Section 217 to the National Historic Preservation Act, to provide the Advisory Council on Historic Preservation with explicit authority to take appropriate action to resolve disputes which arise between and among parties to an undertaking, as defined in Section 106 of the National Historic Preservation Act. This provision provides statutory support in the National Historic Preservation Act to a function that the Advisory Council already performs and which is invaluable to the successful, timely, and economical resolution of conflicts which arise in conjunction with federal and federally-assisted projects.

I would like to turn at this point to Section 1 (4), which puts the responsibility for promulgation of Section 110 guidelines in the purview of the Advisory Council on Historic Preservation. Currently, administration of Section 110 is the responsibility of the National Park Service. The National Trust opposes a wholesale transfer of Section 110 responsibilities to the Advisory Council, for several reasons. First, the National Park Service is presently finalizing new Section 110 guidelines, which would make a change in this responsibility to another agency ill-timed. Second, given the Advisory Council's current staffing and budget levels, it would be very difficult for the Council to take on a significant new statutory authority without a corresponding increase in the Council's resources.

The National Trust does have a recommendation for amending Section 110 of the National Historic Preservation Act. Parts (k) and (l) of Section 110 directly refer to federal agencies' Section 106 responsibilities, which are under the purview of the Advisory Council on Historic Preservation. It would make sense, therefore, to move those parts to Section 106 of the Act.

Although the National Trust supports keeping Section 110 the responsibility of the National Park Service, we do believe that there is substantial room for improvement by all federal land managing agencies in implementation of this provision of the National Historic Preservation Act. Over the last couple of 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 urge this Committee, as the committee of jurisdiction for historic resources, to take an active interest in this matter.

Mr. Chairman, this concludes my prepared testimony on H.R. 1522. Thank you for the opportunity to testify before this subcommittee.

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