

# Committee on Resources

## Subcommittee on National Parks and Public Lands

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### Testimony

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Testimony on H. R. 834  
Extension of the Authorization of the National Historic Preservation Fund  
April 15, 1999  
United States House of Representatives  
Committee on Resources  
Subcommittee on National Parks and Public Lands  
The Honorable James Hansen, Chairman

#### Summary of Testimony

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 1 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% 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% 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% 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% 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.

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