

PRESERVATION OF HISTORIC PROPERTIES

JULY 7, 1966.—Ordered to be printed
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Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 3035]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3035) having considered the same, reports favorably thereon with amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof:

Section 1. The Congress finds and declares—

(a) that the spirit and direction of the Nation are founded upon and reflected in its historic past;

(b) that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;

(c) that, in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; and

(d) that, whereas the major burdens of historic preservation have been borne, and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

TITLE I

SEC. 101. (a) The Secretary of the Interior is authorized—

(1) to expand and maintain a national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture, hereinafter referred to as the National Register, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the Secretary, for the preservation, acquisition, and development of such properties; and

(2) to establish a program of matching grants-in-aid to States, and to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology, and culture.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in, and for the development of, any district, site, building, structure, or object that is significant in American history, architecture, archeology, and culture, or property used in connection therewith, and for its development in order to assure the preservation for public benefit of any such historical properties.

(3) The term "historic preservation" includes the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 102. (a) No grant for a project may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per centum of the total cost of the project, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant for projects under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

SEC. 103. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him: Provided, however, that the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in

accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

SEC. 104. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning, acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

SEC. 105. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SEC. 106. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted project in any State shall, prior to the approval of the expenditure of any Federal funds on the project, take into account the effect of the project on any district, site, building, structure, or object that is included in the National Register, and, if any such historical properties are affected, report such effect to the National Advisory Council on Historic Preservation established under title II of this Act for its consideration. There shall be a sixty-day waiting period, beginning on the date a report is made to the National Advisory Council on Historic Preservation, before Federal funds may be expended for the project concerned.

SEC. 107. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this Title for fiscal year 1967, and not more than \$10,000,000 for each of the three succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this Title and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

TITLE II

SEC. 201. (a) There is established a National Advisory Council on Historic Preservation (hereinafter referred to as the "Council") which shall be composed of seventeen members as follows:

- (1) The Secretary of the Interior.
- (2) The Secretary of Housing and Urban Development.
- (3) The Secretary of Commerce.
- (4) The Administrator of the General Services Administration.
- (5) The Secretary of the Treasury.
- (6) The Attorney General.
- (7) The Chairman of the National Trust for Historic Preservation.
- (8) Two appointed by the President from a panel of at least four Governors submitted by the Governors Conference.
- (9) Two appointed by the President from a panel of at least four mayors submitted jointly by the United States Conference of Mayors and the National League of Cities.
- (10) One appointed by the President from a panel of at least two county officials submitted by the National Association of Counties.
- (11) Five appointed by the President from among individuals in private life who are significantly interested or experienced in the matters to be considered by the Council.

(b) Each member of the Council specified in paragraphs (1) through (6) of subsection (a) may designate another officer of his department or agency to serve on the Council in his stead.

(c) Each member of the Council appointed under paragraphs (8), (9), (10), and (11) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under such paragraphs shall serve for terms of from one to five years, as designated by the

President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

(d) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

(e) The Chairman of the Council shall be designated by the President.

(f) Eight members of the Council shall constitute a quorum.

SEC. 202. (a) The Council shall—

(1) advise the President and the Congress on matters relating to historic preservation; assist in the coordination of activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and disseminate information pertaining to such activities.

(2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;

(3) make and publish studies in such areas as adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments, and the effects of tax policies at all levels of government on historic preservation;

(4) prepare guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation; and

(5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation.

(b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and to the Congress, and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations.

SEC. 203. (a) The Council or, on the authorization of the Council, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Council or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Council, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194, inclusive), shall apply in the case of failure of any witness to comply with a subpoena or testify when summoned under authority of this section.

(b) The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Executive Branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Council, upon request made by the Chairman.

SEC. 204. The members of the Council specified in paragraphs (1) through (7) of section 201(a) shall serve without additional compensation. The members of the Council appointed under paragraphs (8), (9), (10), and (11) of section 201(a) shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

SEC. 205. (a) The Secretary of the Interior or his designee shall be the Executive Director of the Council. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(G)) shall apply to

appropriations of the Council: *And provided further*, That the Council shall not be required to prescribe such regulations.

(b) The Council shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(c) The Council may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a), but at rates not to exceed \$50 per diem for individuals.

(d) The members of the Council specified in paragraphs (1) through (6) of section 201(a) shall provide the Council, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such facilities and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.

Sec. 206. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

BACKGROUND

An executive communication from the Secretary of the Interior transmitted the original version of this measure in furtherance of the President's February 23, 1966, message on Preserving our Natural Heritage (H. Doc. 387). In his message the President noted a widespread concern about historic preservation and proposed a program of matching grants to the States and to the National Trust for Historic Preservation.

A similar measure (S. 3098) was proposed by Senator Muskie and 14 cosponsors as a partial expression of the recommendations of a Special Committee on Historic Preservation of the U.S. Conference of Mayors.

The reported bill incorporates provisions from S. 3098 as well as other amendments.

NEED FOR LEGISLATION

In the next few decades, our expanding population and growing urbanization will require more construction than our Nation has experienced in the last 200 years. The thrust for more working and living space and for more highways to link our urban centers will require that much of what we have built be torn down. It will be a challenge of immense proportions to insure that new construction does not erase or blight properties which should be preserved.

The national park system has helped to preserve many of our important national shrines and many other historic places and sites remain under the protection of States, local communities, or private organizations and individuals. However, we have not as yet attempted a national effort to preserve our historic and cultural heritage in a manner comparable to that of many nations in Europe. England, France, Sweden, the Netherlands, Germany, Austria, Poland, and Czechoslovakia all have legislation designed to protect and preserve their significant historic and cultural properties.

It can be stated unequivocally that our great Nation draws much of its strength from the sound traditions and culture which have been built on our own soil. We could view the future with greater equa-

nimity if we knew that it would be built in harmony with the nobility and the greatness of the past.

The need for a national program to preserve the significant physical evidences of our rich historic and cultural heritage is manifest when we view the construction that has been sweeping the Nation—new highways, buildings, spreading cities are everywhere. Already, nearly half the buildings recorded in the Historic American Buildings Survey are gone or mutilated. Significant buildings or historic settings of lesser importance are experiencing a still higher casualty rate.

This legislation represents a fresh beginning in the continuing effort to turn the tide in favor of historic preservation. This measure provides the means to record those historic properties which should be saved and it authorizes a beginning in providing financial assistance to States, local communities, and private organizations which are willing to play their part in preserving our historic and cultural heritage.

MAJOR PROVISIONS OF THE BILL

S. 3035 provides for a greatly expanded national register program to be carried out by the Department of the Interior, grants-in-aid to the States to conduct comprehensive statewide historic surveys and to prepare historic preservation plans, grants-in-aid to the States to assist in the preservation of significant historic properties identified in the surveys and plans, and grants-in-aid to the National Trust for Historic Preservation in support of its historic preservation activities. Additional important provisions are discussed below under committee amendments.

An essential first step in the preservation of significant historic properties is to identify and catalog these properties in a manner which would facilitate the taking of effective action to preserve them. Section 101(a)(1) would permit the Department of the Interior to extend its national register program to include historic properties of national, State, regional, or local significance. Priority recognition would be given in this register to our prime national monuments, such as the Capitol, the White House, Mount Vernon, and Monticello.

Such identification should help guarantee that these monuments will be preserved and protected. Those in Federal ownership would have the additional protection provided by section 106, which is discussed below under committee amendments.

If additional legal safeguards seem warranted for those prime national monuments which are in private ownership, or for other highly significant historic properties in private ownership, it is expected that the Secretary of the Interior will prepare legislation requisite for their preservation. Special attention would be given to significant historic properties in Federal ownership and an interim version of the national register would be published as soon as possible in order to permit Federal agency heads to comply with the review requirements of section 106.

The grants to the States authorized by the bill for conducting statewide surveys and the preparation of historic preservation plans would help insure that all levels of Government will bring their interest, knowledge, and skill to bear in identifying significant historic properties and in making the plans necessary to encourage their preservation.

These surveys and plans would provide the means for assigning priorities for grants for individual historic preservation projects. The amounts appropriated for these surveys and plans would be apportioned among the States on the basis of need as determined by the Secretary of the Interior, whose decision would be based on such factors as the amount and significance of historic properties remaining to be cataloged and the amount of State resources available for this purpose.

The measure would authorize grants-in-aid to the States to assist them in their historic preservation efforts, upon approval of their historic preservation plans. Requests for grants would be made on an individual project basis. Projects could include acquisition and/or development of significant historic properties. The amounts appropriated for this purpose would be apportioned among the States on the basis of need as disclosed in the statewide surveys and plans.

Individual projects would be scrutinized carefully to insure that high standards are maintained in the selection of historic properties to be preserved. Grants would be limited to 50 percent of the cost of each project and would be conditional on the grantee's assuming responsibility for the full cost of the continued maintenance, repair, and administration of the property. No grants would be made for projects for which financial assistance from any other Federal program has been given or promised. Sections 102, 104, and 105 contain additional controls and conditions needed to assure orderly and effective administration of the financial assistance program.

Grants to the National Trust for Historic Preservation would also be authorized by this measure, in recognition of its notable contributions to historic preservation and the increased effectiveness which Federal financial assistance would be expected to produce. The National Trust has heretofore been financed exclusively through donated funds.

Grants to the National Trust would be limited to the acquisition and administration of significant historic properties. These grants should make it possible for the National Trust to expand and improve its programs in these areas, and also should allow increased private support for its important education and service functions. Of the \$2 million appropriation authorization for fiscal year 1967, \$1,750,000 would be expected to be made available for grants to the National Trust. Future grants would be based on an evaluation of need in relation to the need for funds for the other purposes authorized by this measure.

COMMITTEE AMENDMENTS

The bill, as adopted by the committee after hearings, includes two sections, 1 and 106 and title II, which were not in the original measure; a change in the formula for grant aid to the States for surveys; a limitation on the appropriation authorization after the first year; and a few minor clarifying amendments.

Section 1 is a declaration of purposes, which is an amended version of the declaration of purposes in S. 3098, a bill to promote and coordinate historic preservation activities of the Federal, State, and local governments, other public bodies, and private organizations and individuals. Addition of this declaration to S. 3035 was recommended by the Department of the Interior in its report on S. 3098. It serves to emphasize the urgency and importance of taking positive action to preserve the physical evidences of our historic and cultural

heritage for the enrichment of present and future generations. It also emphasizes the vital role which private agencies and individuals must continue to play in the historic preservation movement, while noting that governmental efforts must be expanded and accelerated, as well.

With regard to accelerating historic preservation programs and activities, it is the judgment of the committee that the executive branch should be guided by this declaration not only as it applies to this bill, but also as it applies to earlier, closely related legislation, such as the Historic Sites, Buildings, and Antiquities Act of 1935.

Section 106 is also based on a provision in S. 3098 and its inclusion in S. 3035 was recommended in the Department of the Interior report on that bill. It is intended to insure that the Federal agencies will not work at cross purposes with the goals of historic preservation and provides for a meaningful review of Federal or federally assisted projects which affect historic properties identified on the national register.

Title II provides for a National Advisory Council on Historic Preservation which would be composed of appropriate cabinet members, the Chairman of the National Trust for Historic Preservation, two Governors, two mayors, a county official, and five interested or experienced private individuals. This Council was originally proposed in S. 3097, a bill to provide financial and other aid, under the Housing Act of 1949 and related Federal programs, to encourage and assist in the preservation and maintenance of historic structures. S. 3097 was also sponsored by Senator Muskie and the other sponsors of S. 3098. The committee concluded that such a Council would be of such fundamental importance in coordinating Federal programs affecting historic preservation and in furthering historic preservation activities that it should be included in this bill.

To provide administrative simplicity, the Secretary of the Interior or his designee would serve as the Executive Director of the Advisory Council. However, the committee recognizes that the Council, to be fully effective, must act independently and not be considered the voice of any one agency of the Federal Government. The Advisory Council would not attempt to duplicate services or programs already being carried out by individual agencies, but would stimulate additional effort in historic preservation programs in some instances. Provision is made for agencies represented on the Council to provide services to the Council on a reimbursable basis. Particular recognition is given in the bill to the role of the National Trust for Historic Preservation in encouraging public interest and participation in historic preservation, and it is expected that the experience and expertise to be found in the National Trust would also be utilized in other ways also, including the encouragement of training and education in the historic preservation field.

The original bill did not specify a limitation on the amount that could be granted to individual States for the purpose of preparing a statewide historic preservation survey and historic preservation plan. The provision added to section 103(a) makes it clear that no more than 50 percent of the total cost of the survey and plan could be financed by the Federal Government.

Section 107 has been amended to provide that not more than \$10 million is authorized to be appropriated for each of the three succeeding fiscal years after 1967. This amount reflects the level of

appropriations which had been under consideration by the administration and in the judgment of the Committee is not excessive in light of the scope of the program. It is impossible to forecast with precision what the eventual need for appropriations will be until the statewide surveys have been completed. The 3-year limitation on the authorization should provide the Secretary of the Interior ample time to evaluate the level of appropriations needed and to request further authorization.

The remaining changes are technical or are intended to clarify the scope of the original bill.

The addition of "expand and" to section 101(a)(1) makes it clear that the bill authorizes a national register program of greater scope than that contemplated in the Historic Sites, Buildings, and Antiquities Act of 1935.

The addition of "districts" and "structures" in section 101 (a)(1) to the properties to be included in the national register recognizes types of historic properties which should be included in the register, but which might be excluded by a narrow interpretation of "sites, buildings, and objects."

The addition of "architecture" and "archeology" in section 101(a)(1) is intended to make it clear that the scope of the national register would extend to properties significant in American architecture and archeology, as well as more obvious aspects of history and culture, such as social or political history or objects of art.

The addition of "in accordance with criteria established by the Secretary" to section 101(a)(1) clarifies the role of the Secretary of the Interior in prescribing standards for the comprehensive statewide historic surveys and plans.

The minor rewording of the definition of "project" in section 101(b)(2) makes it clear that grants could be made to the States to assist in the preservation and development of historic properties already in public ownership.

A definition of "historic preservation" is added in section 101(b)(3) to clarify the scope of the responsibilities of the National Advisory Council on Historic Preservation proposed in title II.

SECTION-BY-SECTION ANALYSIS

Section 1

Section 1 is a declaration of purposes emphasizing the importance of historic preservation to the Nation, the urgency of taking stronger action because of increased construction activity, and the need to accelerate Federal historic preservation programs and activities. The vital role which private agencies and individuals must continue to play is also noted.

Section 101

This section authorizes the Secretary of the Interior: (1) to maintain an expanded national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture; (2) to grant funds to States to prepare comprehensive statewide historic surveys and plans for the preservation, acquisition, and development of historic properties; (3) to grant funds to States for the acquisition and/or development of historic properties; and (4) to grant funds to the National Trust for Historic Preserva-

tion for its historic preservation activities. Subsequent provisions in sections 102 and 103 of the bill make it clear that all grants would be limited to 50 percent of the cost of a project or historic survey.

Section 102

Section 102(a) establishes conditions for the acquisition and development grants to the States and to the National Trust. Before grants could be made the applicant would have to: (1) apply in the manner prescribed by regulation; (2) conform to an approved statewide historic preservation plan; (3) agree to make reports in a prescribed manner; (4) agree to assume complete responsibility for the continued maintenance, repair, and administration of the property concerned, and (5) agree to comply with terms and conditions deemed necessary or advisable by the Secretary. The 50-percent limit on grants is also specified.

Section 102(b) authorizes waiver of the requirement to conform to a statewide plan for grants to the National Trust and provides that grants to the National Trust could also include funds for the maintenance, repair, and administration of historic properties in its care.

Section 102(c) specifies that a State could not apply the value of property obtained before approval of the act toward its share of the cost of a project.

Section 103

This section provides for the apportionment of grants among the States. Grants for surveys would be apportioned on the basis of need as determined by the Secretary. Grants for acquisition and development projects would be apportioned on the basis of need as disclosed in the approved statewide historic preservation plans. The 50-percent limit on grants for surveys is specified in this section.

Section 104

Section 104 is intended to promote coordination with other Federal programs. It specifies that no financial assistance can be given under this act for surveys or projects for which financial assistance has been given or promised under other Federal programs or activities and prohibits subsequent Federal financial assistance for surveys and projects aided under this act. It also gives authority to the President to issue regulations needed to assure consistency in policies and actions under this act with other related Federal programs and activities.

Section 105

This section specifies the type of records which grantees must keep in order to facilitate an effective audit.

Section 106

Section 106 imposes a requirement on Federal agency heads to report projects which affect historic properties on the national register to the National Advisory Council on Historic Preservation established in title II before authorizing the expenditure of Federal funds on the project. A 60-day waiting period is specified to give the Council an opportunity to make recommendations regarding the protection of the property concerned.

Section 107

This section authorizes an appropriation of \$2 million for fiscal year 1967 and \$10 million for each of the 3 succeeding fiscal years for the programs authorized in title I.

Section 201

This section would establish a National Advisory Council on Historic Preservation. It provides for the membership of the Council, terms of office where appropriate, the filling of vacancies, and the selection of a Chairman.

Section 202

Section 202 specifies the duties of the Council and provides for regular reports on its activities and the making of appropriate recommendations. The duties would include advising the President and the Congress on matters relating to historic preservation; coordination of private and governmental historic preservation activities; disseminating information; encouraging public participation in historic preservation; making studies of statutes, regulations, and tax policies of States and other governmental units which affect historic preservation and preparing guidelines for appropriate legislation; encouraging training and education in the field of historic preservation.

Section 203

This section gives the Council authority to hold hearings, subpoena witnesses and records, and secure information related to its responsibilities from agencies of the executive branch of the Federal Government.

Section 204

Section 204 provides for compensation and reimbursement for traveling and subsistence expenses for Council members.

Section 205

This section provides that the Secretary of the Interior or his designee shall be the Executive Director and that the financial and administrative services for the Council shall be provided by the Department of the Interior. It provides also for the employment of necessary staff and consultants and for the obtaining of services from the agencies represented on the Council.

Section 206

Section 206 authorizes appropriations of such sums as may be necessary to carry out the provisions of title II, which deals with the National Advisory Council.

DEPARTMENTAL REPORTS

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 2, 1966.

HON. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The President, in his February 23 message dealing with the quality of our environment, said "Historic preserva-

tion is the goal of citizen groups in every part of the country. To help preserve buildings and sites of historic significance, I will recommend a program of matching grants to States and to the National Trust for Historic Preservation." The enclosed draft bill will carry out this recommendation.

The national preservation program contemplated by the Historic Sites, Buildings, and Antiquities Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467), has fallen short of the goals envisioned by the framers of that act. Since very few historic properties worthy of preservation meet the "national significance" standard prescribed in the 1935 act, additional means for preserving historic properties, without the Federal Government assuming ownership or administration of them, are badly needed. The need, however, is not confined to historic properties judged nationally significant. Historic places important to local communities, States, and regions are also vital parts of the Nation's heritage, and they are even less immune to the forces of destruction than nationally significant properties.

Chief among the methods of promoting historic preservation at the State, county, and municipal levels are the identification of the significant sites and their acquisition, rehabilitation, and maintenance. Other methods, however, may be needed and they are the subject of continuing study by many interested groups, both public and private.

The enclosed draft bill authorizes the Secretary of the Interior to maintain a national register of sites, buildings, and objects significant in American history and culture. This includes both historic and archeological sites. In addition the bill establishes a program of matching grants-in-aid to States and the National Trust for Historic Preservation in the United States for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture.

The program of grants-in-aid to States will begin with a statewide historic sites survey financed by the Federal Government and conducted according to standards and procedures reflecting those of the National Survey of Historic Sites and Buildings which this Department is presently conducting. The statewide survey will include sites already determined to be of national significance by the Secretary of the Interior, but it will be aimed primarily at identifying and evaluating other properties that are significant in American history and culture.

On the basis of such survey, the State will prepare a comprehensive statewide historic preservation plan which, when approved by the Secretary of the Interior after considering its relationship to the statewide outdoor recreation plan, will form the basis for matching grants-in-aid to States for the acquisition and development of historical properties in non-Federal public or private ownership. Properties of national, regional, State, or local historical significance will be eligible for inclusion in the statewide plan, whether they are operated by a public agency or private organization or individual.

Due to rapidly increasing development in urban centers of population, the Secretary of the Interior will require assurances that preservation of historic areas in our cities figure materially in the preparation of any statewide plan. For this reason also, apportionment of the grants will take into account the many historical properties located in urban centers.

Although most of this program will take the form of matching grants-in-aid to States, the bill also contemplates that some matching grants-in-aid will be made to the National Trust for Historic Preservation in the United States, which was chartered as a charitable, educational, and nonprofit corporation by the act of October 26, 1949 (63 Stat. 927; 16 U.S.C. 468 et seq.). Its purposes according to that act are to "receive donations of sites, buildings, and objects significant in American history and culture, to preserve and administer them for public benefit, to accept, hold, and administer gifts of money, securities, or other property of whatsoever character for the purpose of carrying out the preservation program * * *."

The above act provides for the principal office of the National Trust to be located in the District of Columbia and for its affairs to be under the general direction of a board of trustees. The board of trustees is composed of the Attorney General of the United States, the Secretary of the Interior, and the Director of the National Gallery of Art, ex officio; and not less than six general trustees. At the present time, the bylaws of the National Trust provide for not more than 31 general trustees and they are chosen by the members of the National Trust from its members.

The National Trust is empowered to accept and administer gifts of real and personal property absolutely or in trust and to contract with Federal, State, or municipal agencies, or individuals for the preservation and maintenance of historic properties owned by other agencies or individuals.

Under its program the National Trust has acquired historical properties of great significance, and has assisted in the preservation and maintenance of other properties in private ownership. Among those the National Trust owns and maintains are Woodlawn Plantation, at Mount Vernon, Va.; Decatur House, Washington, D.C.; Shadows-on-the-Teche, New Iberia, La.; Casa Amesti, Monterey, Calif.; Woodrow Wilson House, Washington, D.C.; and Belle Grove, Middletown, Va.

As part of its educational program the National Trust conducts workshops, seminars, and conferences, and it is especially active in giving moral support and, upon request, expert technical advice to preservation organizations for their local projects. It is the only nongovernmental body operating on a nationwide basis in the historical preservation field. Participating in the National Trust's programs are more than 6,000 member organizations and individuals located throughout the Nation.

The functions of the National Trust are carried out solely with donated funds. Grants to the National Trust under the proposed bill will enable the Trust to proceed to encourage on an accelerated basis the local initiative and support that is needed for preservation of our historic heritage.

The bill prescribes a number of conditions to the grants-in-aid to the States and National Trust in order to insure that the purposes of this act will be carried out.

The bill also provides that no grant may be made under this act for or on account of any survey or project with respect to which financial assistance has been given or promised under any other Federal program or activity, and vice versa. This provision will avoid any overlap with other related Federal programs and activities

such as the Department of Housing and Urban Development's open space programs conducted pursuant to title VII of the Housing Act of 1961 (75 Stat. 183, as amended; 42 U.S.C. 1500 et seq.).

The estimated cost of the program authorized by the enclosed bill is \$2 million for the fiscal year 1967. Costs for succeeding fiscal years would depend upon the needs identified in the surveys.

The Bureau of the Budget has advised that this proposed legislation is in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary is authorized—

(1) to maintain a national register of sites, buildings, and objects significant in American history and culture, and to grant funds to States for the purpose of preparing comprehensive statewide historic surveys and plans for the preservation, acquisition, and development of such properties; and

(2) to establish a program of matching grants-in-aid to States, and to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), as amended, for projects having as their purpose the preservation for public benefit of properties that are significant in American history and culture.

(b) As used in this Act—

(1) The term "State" includes, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(2) The term "project" means programs of State and local governments and other public bodies and private organizations and individuals for the acquisition of title or interests in any site, building or object that is significant in American history and culture, or property used in connection therewith, and for its development in order to assure the preservation of any such property for public benefit.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 2. (a) No grant for a project may be made under this Act—

(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

(3) for more than 50 per cent of the total cost of the project, as determined by the Secretary and his determination shall be final;

(4) unless the grantee has agreed to make such reports, in such form and containing such information, as the Secretary may from time to time require;

(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant for projects under this Act to the National Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

(c) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.

SEC. 3. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b) The amounts appropriated and made available for grants to the States for projects under this Act for each fiscal year shall be apportioned among the States by the Secretary in accordance with needs as disclosed in approved statewide historic preservation plans.

The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter for payment to such State for projects in accordance with the provisions of this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given, and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection.

SEC. 4. (a) No grant may be made by the Secretary for or on account of any survey or project under this Act with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any survey or project with respect to which assistance has been given or promised under this Act.

(b) In order to assure consistency in policies and actions under this Act with other related Federal programs and activities, and to assure coordination of the planning, acquisition, and development assistance to States under this Act with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable, and such assistance may be provided only in accordance with such regulations.

SEC. 5. The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used; and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

SEC. 6. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this Act for fiscal year 1967,

and such sums as may be necessary for succeeding fiscal years. Such appropriations shall be available for the financial assistance authorized by this Act and for the administrative expenses of the Secretary in connection therewith, and shall remain available until expended.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 7, 1966.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: Your committee has requested a report on S. 3098, a bill to promote and coordinate historic preservation activities of the Federal, State, and local governments, other public bodies, and private organizations and individuals.

The objective of S. 3098 is similar to that of the draft bill which the Department submitted to the Congress by an executive communication of March 2, 1966, and which was introduced as S. 3035 and H.R. 13491. The need for legislation of this kind was explained in our executive communication and will not be repeated here.

We recommend the enactment of S. 3035 in lieu of S. 3098.

The principal differences between the two bills are:

1. S. 3098 contains a declaration of purposes to the effect that (1) the spirit and direction of this Nation are founded upon and reflected in its historic past; (2) this Nation's historical and cultural foundations should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; (3) the present historic preservation programs, both governmental and nongovernmental, are inadequate; and (4) the Federal Government should accelerate its programs and assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their programs.

S. 3035 contains no similar declaration. We believe, however, that the declaration is desirable, and we recommend that it be included in the administration bill. The declaration in S. 3098 contains a typographical error—on page 2, line 3, the word "fact" should be changed to "face".

2. S. 3098 specifies in section 101(a) that the national register shall be broken down into three general categories. S. 3035 does not so specify. We would make such breakdown, however, under the general language of S. 3035. We see, therefore, no need for the specific provision in the administration bill.

3. S. 3098 requires in section 101(b) that the national register be given certain specific distribution. This would also be accomplished under the general language of S. 3035, and we see no need for a specific provision in the administration bill.

4. S. 3098 authorizes in section 201 a special appropriation of funds for a 10-year period to "accelerate" historic preservation programs under the Historic Sites, Buildings, and Antiquities Act of 1935. There is an undoubted need to move more quickly with these programs. There is, however, no need for additional appropriation authorization. We therefore see no need for this provision.

5. S. 3098 requires in section 202 that the Federal agency heads having direct or indirect jurisdiction over a proposed Federal or federally assisted project must take into account the effect of the project on sites of national significance included in the national register prior to the approval of the expenditure of any Federal funds on the project. S. 3035 contains no similar provision. We favor the objective of this provision, and we recommend that it be included in the administration bill and that it be expanded to include all sites, buildings, and objects of historical significance which are included in the national register.

6. S. 3098 authorizes in section 401 grants to the National Trust for Historic Preservation for not more than two-thirds of the cost of a project. S. 3035 differs in that it restricts grants to the National Trust for not more than 50 percent of the total cost of the project. We believe the provision in the administration bill is more in line with the President's message of February 23, 1966, when he called for a program of "matching grants to States and to the National Trust for Historic Preservation."

In summary, we recommend the enactment of S. 3035 in lieu of S. 3098, with the perfecting amendments which we have recommended in this report.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

CLARENCE F. PAUTZKE,
Deputy Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 8, 1966.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of May 10, 1966, for the views of the Bureau of the Budget on S. 3098, to promote and coordinate historic preservation activities of the Federal, State, and local governments, other public bodies, and private organizations and individuals.

The Department of the Interior, in the report which it is transmitting to the committee on this bill, points out the significant differences between S. 3098 and S. 3035, the administration's bill on this subject, and recommends certain perfecting amendments to S. 3035.

The Bureau of the Budget recommends enactment of S. 3035, the administration's bill, in lieu of S. 3098.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 1, 1966.

HON. HENRY M. JACKSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, New Senate Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: Currently pending before your committee is S. 3035, a bill to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes. We have examined a copy of a committee print dated June 11, 1966, and would like to offer the following comments on that print for your consideration.

Title I of the committee print is similar to the draft bill transmitted to the Congress earlier by the Secretary of the Interior. We support this title in its entirety with two exceptions.

One, section 106 provides that if any historical properties included in the national register are affected by a proposed Federal or federally assisted project, the head of the Federal agency having jurisdiction over the project must (1) prior to the approval of the expenditure of funds for the project, take into account its effect on the historical property and (2) report such effect to the National Advisory Council on Historic Preservation and wait 60 days before proceeding with the project.

While the first requirement presents no problem, we strongly recommend against the second one. A 60-day waiting period in these circumstances could seriously interfere with the execution of important Federal programs. We think notice could serve a useful purpose and would not object, therefore, to a requirement that Federal program administrators seek the advice of the Advisory Council with regard to projects which affect historical properties. Accordingly, we recommend that section 106 be amended on page 11, line 22, to delete the comma after "Act" and all that follows through the end of line 3 on page 12, and to insert in lieu thereof the following:

"The head of any such Federal agency shall afford the Council a reasonable opportunity to comment with regard to such project."

Two, section 107 of the committee print authorizes an appropriation of not more than \$2 million for the fiscal year 1967 and not more than \$10 million for each of the 2 succeeding fiscal years. The administration's bill provided appropriations of not more than \$2 million for fiscal year 1967 and such sums as may be necessary thereafter. We would like to reaffirm our preference for the language of the administration proposal which recognizes that the financial needs beyond the first year are difficult to estimate at this time.

With regard to title II of the committee print, which establishes a National Advisory Council on Historic Preservation, we have serious reservations. First, we have some question about the need for such a Council, and in particular we are concerned with the potential overlap and duplication with the Secretary of the Interior's existing Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Should your committee conclude, however, that a new advisory body is necessary and desirable, we would strongly recommend amendments to title II which would (1) make it clear that the new Council is solely an advisory body and not an administrative agency

performing operating functions, and (2) make other significant changes in the organization and powers of the Council. These recommended amendments are set forth in detail in the attachment.

We would very much appreciate it if your committee would give consideration to these comments and recommended amendments in its action on this legislation.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

[Enclosure]

RECOMMENDED AMENDMENTS TO TITLE II OF THE COMMITTEE PRINT
OF JUNE 11, 1966, ON S. 3035

1. On page 13, delete subsections 201(a) (8), (9), (10) and (11), and substitute in lieu thereof the following:

"(8) Ten appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council."

We believe the limitations on the President's appointment power in the existing subsections are highly objectionable. Not only do they present constitutional problems with respect to the President's appointing authority, but they may present the States with legal problems as well.

2. On page 14, delete subsection 201(e) and substitute in lieu thereof the following:

"The President shall designate the Chairman and the Vice Chairman of the Council from among its members."

Such a provision would be consistent with the practice of authorizing the President to designate the chairman of advisory bodies where the chairman is not specifically designated in the statute.

3. On page 14, amend section 202(a)(1) to read as follows:

"(1) Advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities."

4. On pages 14 and 15, amend subsection 202(a) (3) and (4) to read as follows:

"(3) Recommend the conduct of studies in such areas as adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments, and the effects of tax policies at all levels of Government on historic preservation; and

"(4) Advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation."

Those amendments would eliminate provisions which vest operating functions in the Advisory Council and make it clear that the Council is to perform only advisory functions.

5. On pages 15 and 16, delete section 203 and substitute in lieu thereof the following:

"SEC. 203. The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, inde-

pendent establishment or instrumentality of the Executive Branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this title; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds."

Most of the provisions of section 203 are not appropriate powers for an advisory body.

6. On pages 17 and 18, delete the first sentence of subsection 205(a). Delete subsections 205 (b) and (c) and insert in lieu thereof the following:

"The Chairman of the Council is authorized to appoint and fix the compensation of an Executive Director at a rate no higher than that now or hereafter established for grade 18 of the general schedule of the Classification Act of 1949 (63 Stat. 954), and such additional personnel as may be necessary to enable the Council to carry out its functions. In addition, the Chairman is authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) at rates not to exceed \$100 per day."

These amendments would (a) delete the designation of the Secretary of the Interior or his designee as the Executive Director of the Council—it appears inappropriate for the Secretary to be a subordinate official of an advisory body; (b) delete the exemption from the provisions of the civil service laws and the Classification Act of 1949—we know of no reason for such an exemption; and (c) increase the rate of per diem authorized for consultants from \$50 to \$100 per day—this rate is consistent with the compensation for such services frequently authorized in recent legislation.

7. On page 12, change the title of the new advisory body to "Advisory Council on Historic Preservation." The term "National Advisory Council" is likely to be confused with the National Advisory Council on International Monetary and Financial Policies which commonly has been referred to as the NAC.

These amendments, if adopted, would also require minor changes in other sections of the bill to conform those sections to the amendments.

