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PRESERVATION OF HISTORIC PROPERTIES

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

S. 3035

A BILL TO ESTABLISH A PROGRAM FOR THE PRESERVATION OF ADDITIONAL HISTORIC PROPERTIES THROUGHOUT THE NATION, AND FOR OTHER PURPOSES

AND

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

JUNE 8, 1966

Printed for the use of the
Committee on Interior and Insular Affairs



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1966



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PRESERVATION OF HISTORIC PROPERTIES

HEARING

SUBCOMMITTEE ON PARKS AND RECREATION

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

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| GAYLORD NELSON, Wisconsin | |

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PRESERVATION OF HISTORIC PROPERTIES

WEDNESDAY, JUNE 8, 1966

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met at 10:10 a.m., pursuant to notice, in room 3110, New Senate Office Building, Hon. Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Jackson, Jordan of Idaho, and Fannin.

Also present: Jerry T. Verkler, staff director; Roy Whitacre, professional staff member; David Richie, assistant staff member; and E. Lewis Reid, minority counsel.

Senator JACKSON. The committee will come to order.

The bills for consideration this morning are S. 3035 and S. 3098. S. 3035 was introduced by the chairman, as requested in an executive communication from the Secretary of the Interior, on March 2, 1966. S. 3098 was introduced by Senator Muskie with 10 cosponsors, on March 17.

The proposed legislation would provide for a cataloging of significant historic properties by the Department of the Interior. A program of grants-in-aid to the States and to the National Trust for Historic Preservation would also be established.

The grants-in-aid would enable States to conduct surveys of historic properties and to prepare historic preservation plans. They would also provide assistance to the States, and to the National Trust for Historic Preservation, for the purpose of acquiring and developing historic sites, buildings, and objects significant in American history and culture.

The proposed legislation would supplement the Historic Sites, Buildings, and Antiquities Act of 1935 by extending the cataloging responsibility of the Interior Department to all significant historic properties, not just those that meet the 1935 definition of national significance. By providing for aid to the States, a historic preservation program of much broader scope would be made possible.

Grant aid would be apportioned to the States on the basis of need. A limitation of \$2 million for the first year is proposed. Special recognition is given in both bills to the role of the National Trust for Historic Preservation in the preservation of historic properties. Grants to the National Trust could extend to maintenance and repair of the properties, in addition to initial acquisition and development. The legislation is drafted to prevent overlap of programs it authorizes with other existing Federal programs, such as those of the Department of Housing and Urban Development.

Copies of the two bills and the executive communication of March 2 will be included in the record at this point. Also the reports of the Department of the Interior and the Bureau of the Budget will follow S. 3098.

(The data referred to follow:)

[S. 3035, 89th Cong., 2d sess.]

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 of the Interior 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 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. 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., 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 preservation is the goal of citizen groups in every part of the country. To help preserve building 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, Virginia; Decatur House, Washington, D.C.; Shadows-on-the-Teche, New Iberia, Louisiana; Casa Amesti, Monterey, California; Woodrow Wilson House, Washington, D.C.; and Belle Grove, Middletown, Virginia.

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 \$2,000,000 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.

[Enclosure]

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.

[S. 3098, 89th Cong., 2d sess.]

A BILL To promote and coordinate historic preservation activities of the Federal, State, and local governments, other public bodies, and private organizations and individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSES

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 it is 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—NATIONAL REGISTER OF SITES, BUILDINGS, AND OBJECTS SIGNIFICANT IN AMERICAN HISTORY, ARCHITECTURE, ARCHEOLOGY, AND CULTURE

SEC. 101. (a) To carry out the purposes set forth in section 1 of this Act, the Secretary of the Interior is authorized to establish and maintain a national register of sites, buildings, and objects significant in American history, architecture, archeology, and culture. The register shall include the following three general categories of such sites, buildings, and objects—

(1) those of national significance identified in the surveys conducted pursuant to the Historic Sites, Buildings, and Antiquities Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467);

(2) those of national, regional, or State significance identified in the surveys conducted pursuant to section 301(a) of this Act; and

(3) those of local significance identified in the surveys conducted pursuant to section 301(a) of this Act.

(b) As soon as practicable after the enactment of this Act, the Secretary of the Interior shall (1) publish from time to time, in such manner as he deems appropriate, the national register established pursuant to subsection (a) of this section, and shall distribute copies of such register to the heads of all other Federal agencies; and (2) prepare for each State an inventory of sites, buildings, and objects within the State that are included in the national register established under subsection (a) of this section, and distribute such inventory to States, local governments, and interested public bodies, private organizations, and individuals.

SEC. 102. There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out the provisions of this title.

TITLE II—PRESERVATION OF PROPERTIES OF NATIONAL SIGNIFICANCE INCLUDED IN NATIONAL REGISTER

SEC. 201. To carry out the purposes set forth in section 1 of this Act, there are authorized to be appropriated to the Secretary of the Interior for the fiscal year ending June 30, 1967, and each of the ten succeeding fiscal years such sums as may be necessary for the purpose of accelerating the historic preservation programs and activities authorized by the Historic Sites, Buildings, and Antiquities Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). Sums appropriated under the authority of this section shall be utilized by the Secretary, in accordance with the provisions of said Act, to preserve the sites, buildings, and objects of national significance that are included in the national register established under section 101(a) of this Act.

SEC. 202. 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 site, building, or object of national significance that is included in the national register established under section 101(a) of this Act.

TITLE III—GRANTS TO STATES AND LOCAL GOVERNMENTS FOR SURVEYS, PLANS, AND PROJECTS FOR HISTORIC PRESERVATION

SEC. 301. (a) To carry out the purposes set forth in section 1 of this Act, the Secretary of the Interior is authorized—

(1) 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 sites, buildings, and objects significant in American history and culture; and

(2) to establish a program of matching grants-in-aid to States 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 title—

(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. 302. (a) No grant for a project may be made under this title—

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

SEC. 303. (a) The amounts appropriated and made available for grants to the States for comprehensive statewide historic surveys and plans under this title shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

(b)(1) The amounts appropriated and made available for grants to the States for projects under this title 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.

(2) 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 title. 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. 304. (a) No grant may be made by the Secretary for or on account of any survey or project under this title 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 title.

(b) In order to assure consistency in policies and actions under this title with other related Federal programs and activities, and to assure coordination of the planning, acquisition, and development of assistance to States under this title 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. 305. The beneficiary of assistance under this title 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. 306. There are authorized to be appropriated not to exceed \$2,000,000 to carry out the provisions of this title for the fiscal year ending June 30, 1967, and such sums as may be necessary for 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 IV—GRANTS TO THE NATIONAL TRUST FOR HISTORIC PRESERVATION IN THE UNITED STATES

SEC. 401. To carry out the purposes set forth in section 1 of this Act, the Secretary of the Interior is authorized to make periodic grants 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 the purpose of furthering the work of the National Trust in education, service, financial assistance to preservation projects, and in preserving and administering sites, buildings, and objects significant in American history and culture. Such grants shall be used by the National Trust in accordance with the provisions of the Act approved October 26, 1949, as amended. Any grant pursuant to this section shall not be used to finance more than two-thirds of the cost of any project undertaken by the National Trust. The remaining cost of the project shall be borne by the National Trust from funds, services, real or personal property, or any combination thereof obtained from other sources, the value of which shall be determined by the Secretary of the Interior, and his determination shall be final.

SEC. 402. There are authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for the purposes of this title.

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.

Senator JACKSON. Senator Muskie, who had planned to be here, is unavoidably detained. Without objection, his statement will appear at this point in the record.

(The statement referred to follows:)

STATEMENT BY HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM THE STATE OF MAINE

Mr. Chairman, in the next four decades, our expanding population and urbanization will require more construction than our nation has experienced in the last 200 years.

This 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 will have to be torn down.

We know that our present environment is rich with buildings and sites of historic, cultural, architectural and archeological significance. We are here this morning because we share a concern for saving them for the future. Their significance in the future will be even greater than it is today.

Many persons deserve credit for the development of the two bills pending before the Committee, S. 3035 and S. 3098. But I want to pay special tribute to the Chairman, Mr. Jackson, for his interest in historic preservation. All of us who share his concern admire his leadership in conservation. He is now blazing new trails in the conservation of our heritage.

A comparison of these bills would serve no purpose at this time. The Subcommittee and its staff are familiar with the details. But I would like to say that both have attractive features. I am confident that the most effective provisions can be brought together into a single piece of legislation which will achieve the objectives all of us seek.

My concern today is that the program for national preservation be strengthened and accelerated as rapidly as possible. Time is against us. In too many cases, we will be too late. Nearly half the 12,000 structures listed in the Historic American Buildings survey already have been destroyed. I am told that in another five years, there will be little left to save.

The need for preservation is clearly defined. Our response must be prompt and effective legislation.

Historic preservation can be achieved without blunting progress. In truth, historic preservation will enrich our progress. With creative planning, the past and the future can live as neighbors and contribute jointly to the quality of our civilization.

We are a nation on the move, and we are moving increasingly to the cities. Twenty percent of American families change addresses each year. In the next 34 years, our urban population will grow by 120 million persons. That's the equivalent of 15 new cities the size of New York.

In a changing, growing society, our landmarks take on increasing importance. They lend stability to our lives. They are a point of orientation. They establish values of time and place and belonging. They are a humanizing influence.

During the 20 decades of nationhood, and before, American ingenuity has created charming neighborhoods and streets, restful village greens, bustling market places, and other sites to meet our needs.

I doubt that any of us question our ability to save the best of these, and to usefully blend them into the fabric of new construction. The only factor that is questioned is our resolve to do so. I urge that we demonstrate our resolve by quickly enacting the most effective provisions of the two bills under discussion here today.

Senator JACKSON. Our first witness will be Mr. George Hartzog, Director of the National Park Service. Mr. Hartzog, we are pleased to have you, and will you go ahead and proceed in your own way.

STATEMENT OF GEORGE B. HARTZOG, JR., DIRECTOR, NATIONAL PARK SERVICE; ACCOMPANIED BY FRANK HARRISON, CHIEF, DIVISION OF LEGISLATION, NATIONAL PARK SERVICE; AND HOWARD STAGNER, ASSISTANT DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. HARTZOG. Thank you very much, Mr. Chairman. With your permission, sir, I would like to have Mr. Harrison join me at the table, as well as Howard Stagner, who is our Assistant Director in charge of these resource studies that result in the maintenance of the national register.

Senator JACKSON. Fine, if you wish to have them at the table, that will be fine.

Mr. HARTZOG. Mr. Chairman, the President, in his February 23d message on the Preservation of Our Natural Heritage, said:

Historic Preservation 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 Historical Preservation.

We recommend the enactment of S. 3035 rather than S. 3098 to carry out this recommendation of the President.

The objectives of both bills are basically the same. We believe, however, that these objectives can best be carried out under S. 3035 for the reasons stated in the Department's report on S. 3098.

The Historic Sites Act of August 21, 1935, enacted a national policy to preserve historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.

Much has been accomplished under this act. Sites and objects have been preserved in Federal and non-Federal ownership. The National Survey of Historic Sites and Buildings has been undertaken as has the Historic American Buildings Survey.

Mr. Chairman, at this point, I would like to present to you, for you and the members of the committee to look at, copies of the first two of these registered landmark books that we have prepared, as well as the report of the Special Committee on Historic Preservation, "With Heritage So Rich," and one or two of the theme studies which represent the basic research supporting the selection of these sites, simply to give you some background of the extent of the work necessary to support the program.

Much remains to be done in order to safeguard our country's heritage.

The critical situation ahead was recognized in the report of the Special Committee on Historic Preservation. The findings and

recommendations of the committee are contained in the book entitled "With Heritage So Rich," made possible by a grant from the Ford Foundation.

The time has come to renew and strengthen our efforts for historic preservation by involving more creatively all levels of government with the efforts of private organizations and individuals.

Each section of our country has some part of its proud past to preserve. Indeed, the more critical issues in historic preservation face us today in our older cities, where, in the process of modernization and renewal, historic properties are threatened.

To meet the challenge of today we must find a means of preserving our past while allowing the structure to continue to serve a useful purpose in our present-day way of life. This we believe can be accomplished through the type of program envisioned by S. 3035.

The bill would provide a broad program of historic preservation. It would encourage preservation at the city, county, and State levels of Government, and in the private sector of our society.

It would do so through a grant program to be administered by the Secretary of the Interior. The program would consist of a 100-percent grant for the purpose of preparing comprehensive statewide historic surveys and plans for the preservation, acquisition, and development of properties significant in American history and culture.

It would provide matching grants of up to one-half the cost of a project for the acquisition of historically significant property and for its development to assure its preservation for the public benefit.

Special provision would be made for grants to the National Trust for Historic Preservation. The trust is a charitable, educational, and nonprofit corporation chartered by the Congress in 1949.

Within the context of this new program for historic preservation, S. 3035 would reaffirm the Secretary's existing authority under the Historic Sites Act to assemble and maintain a national register of sites, buildings, and objects significant in American history and culture.

S. 3035 would safeguard against duplicating Federal assistance under other programs of historic preservation. An example would be the program proposed in S. 3097, a bill now before the Committee on Banking and Currency which would generally pertain to the preservation of historic properties as a part of urban renewal projects.

Mr. Chairman, if we are to save and enjoy reminders of this country's proud heritage we need to involve all sectors of our Government, the National Trust for Historic Preservation, private agencies and individuals. And we need the participation of public and private funds as S. 3035 provides.

I will be happy to answer any questions which the committee members may have.

Thank you very much.

Senator JACKSON. A very fine statement, Mr. Hartzog. I suppose one of the points which causes the chairman and other members of the committee some concern is to make sure that wise selections are made in connection with these proposed areas that would be preserved. The clamor at the local level to preserve everything is going to be great, especially when they find out about a program of this kind, even though they would not qualify as historic sites.

Could you indicate what kind of study will be made and what standards will be used to make sure that truly qualified projects will be recommended?

Mr. HARTZOG. Mr. Chairman, we believe that the program envisaged by S. 3035 and the same objective to be achieved by S. 3098, as well as the programs contemplated under S. 3097, can be measured creatively in historic preservation through the mechanism of the maintenance of a national register for historic sites, buildings, and objects, which would have three breakdowns in it.

Those of national significance we have the criteria for selecting nationally significant landmarks in this publication—and I would be pleased to provide copies for the committee—and the promulgation of comparable criteria for sites that have State significance, for inclusion in the national register, and then the promulgation of comparable criteria for sites that have local significance.

Now, the key, it seems to me, for making sure that these programs do not overlap, and that we do not get in properties that are not worth the expenditure in terms of the preservation and presentation of our history, is this register's responsibility.

We believe that this was contemplated by the Congress in the 1935 act, but for lack of appropriations, has never been expanded beyond the designation of National Historic Landmarks.

With the increased emphasis and the hope for increased appropriations to permit us to establish State and local criteria, then we believe that the grant program to the States to prepare statewide plans would be the instruments through which preservation would be carried out on those properties that appear of State significance, within the national register.

Then S. 3097 would authorize the expenditure of urban renewal funds, in accordance with plans developed by local authorities, for the preservation of properties that appear on the register of local significance, so that you have the criteria established at the Federal level for the expenditure of these Federal funds, in much the same way that you have the criteria developed by the Bureau of Outdoor Recreation for the Land and Water Conservation Fund.

Senator JACKSON. What concerns me, and I am sure it is not an easy matter to resolve, is the pressure that will be applied to deviate from sound standards that should be adhered to in the selection of these sites and properties.

Mr. HARTZOG. That is right.

Senator JACKSON. It is something that will have to be, I think, watched very closely, both from the State and national point of view. The State would be entitled to 100-percent grants for the purpose of preparing these comprehensive statewide surveys, would they not?

Mr. HARTZOG. Yes, sir.

Senator JACKSON. That is to be done in accordance with Federal standards, however?

Mr. HARTZOG. That is right.

Senator JACKSON. This they must adhere to. Is that correct?

Mr. HARTZOG. That is correct, sir. Furthermore, the information which they develop as a part of their statewide survey will be passed through the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments for its evaluation, so that you have the Advisory Board functioning in an evaluating capacity, on the State and local sites, just as you have the Advisory Board functioning

on the national sites. I believe that the program, as it has been carried out by these consulting committees, and by the Advisory Board, has maintained a very high standard of integrity and excellence in the national landmark program. I think it is possible to do the same thing at the State and local level.

Senator JACKSON. In connection with the acquisition of historically significant properties there would be a matching arrangement between the States and also a matching arrangement with the National Trust for Historic Preservation.

Mr. HARTZOG. Yes, sir.

The CHAIRMAN. How would this be divided?

Mr. HARTZOG. Well, very frankly, there are no criteria yet developed for the division of this money. The recommendation is for an appropriation of \$2 million in the first year following authorization, and we propose that in the breakdown, cost projections, which we have filed with the committee, I think it is a million—\$1,750,000—of that \$2 million that would go in the first year to the National Trust.

Senator JACKSON. How much?

Mr. HARTZOG. \$1,750,000.

Senator JACKSON. The money would go to the National Trust?

Mr. HARTZOG. Yes, sir. This is, I believe, in line with the statement of the President last year that he would propose a program of about \$2 million, as I recall the statement.

Senator JACKSON. And then what would the balance be used for?

Mr. HARTZOG. The balance would be available for grants to the States, and for the administrative costs of managing the program in the first year.

In the second year, no amount, no limitation has been set on it. I think this would be reflected by the needs and the rate of progress by the States in proceeding with the preparation of their plans.

Senator JACKSON. So the first year, you anticipate the expenditure of \$2 million?

Mr. HARTZOG. Yes, sir.

Senator JACKSON. You are not in a position to indicate what the requirements would be for the first 5 years? Do you have any projected plan?

Mr. HARTZOG. We have a projected figure, Mr. Chairman, which we have been working with, approximating \$10 million a year.

Senator JACKSON. Starting in the second year?

Mr. HARTZOG. Yes, sir.

Senator JACKSON. Now, what factors would be considered in apportioning grants-in-aid to the States? Would criteria similar to those mentioned in the Land and Water Conservation Fund Act be appropriate?

You recall, these are population, use by persons outside the State, Federal resources already available, and so on. What kind of a formula would you use here? Have you worked one out?

Mr. HARTZOG. Well, we have given a lot of thought to this, and we have been talking with some of the people who are interested in historic preservation about it, but the criteria that would be used have not been formulated, and it has not been, certainly, submitted to the Advisory Board.

Generally, however, we do not believe that the criteria set forth in the Land and Water Conservation Fund Act are applicable to his-

toric preservation. We think that here the criterion is need, because history is where you find it.

In other words, the great historic heritage of this country is associated with the mainstream of human movement, as opposed to the geographical location and distribution of the physical features that lend themselves to outdoor recreation, so that we think the overriding criterion in historic preservation is need, and we would propose a definition of need in the context of the financial ability of the State, the significance of the properties, and these kinds of criteria.

Senator JACKSON. What overlap would there be with S. 3097, a bill to provide financial and other aid under the Housing Act of 1949?

Mr. HARTZOG. Well, sir, at the moment, as the bills are now pending, there is possibility of overlap, because S. 3097 would authorize the local community, in effect, to set its own standards of historic preservation, which would then be incorporated in the urban renewal program.

We believe, although an administration report on S. 3097 has not yet come up in response to the request, but in answer to your specific question, I believe this is a serious point of overlap that needs to be clarified, between S. 3035, 3097, and 3098, because the setting of criteria, it seems to me, is the instrument through which you insure the integrity of historic preservation at all levels of government.

The urban renewal plan is the instrument through which you provide the money for qualified historic properties, just as the statewide plan in S. 3035 is the instrument through which you provide money for preservation of qualified properties. But unless there is central control of the national register and the criteria and the standards of historic preservation, I think that we stand to lose the basic integrity of historic preservation as we have known it. We are studying the situation.

Senator JACKSON. I think this is a very important point, because if we get into a city versus state program, where different standards are being followed, we could be in a lot of trouble. It seems to me that, while there are certain special situations that relate to urban renewal, the standards and criteria and policy should be the same in all cases insofar as the Federal Government is concerned.

Mr. HARTZOG. I believe that very deeply, sir, and I think that it is important that the urban renewal funds be available for historic preservation. I think we have lost a great deal of the historic heritage of our Nation in the urban renewal programs, and the Bureau of Public Roads program which have not been geared and oriented toward this facet of our heritage. But the plans and the funds can still be channeled through the local governmental agency and administered by HUD, with the criteria and standards being set under the Historic Sites Act of 1935.

Senator JACKSON. The Chair wishes to announce that a group of graduate and undergraduate students from Colorado State College, Greeley, Colo., is present. We are delighted to welcome you all here this morning, and hope that you will be able to stay through the hearing.

Senator Jordan?

Senator JORDAN. Thank you, Mr. Chairman.

Mr. Hartzog, I am in full accord with the objectives which you hope to achieve by this legislation.

I am somewhat apprehensive, however, about this 100 percent Federal grant for the purposes of preparing comprehensive statewide historic surveys and plans. I know you will get lots of takers for this 100 percent grant. The criteria you set up for awarding those funds to the several States, would, of course, determine how they are to be spent.

Would it not be somewhat more responsive, on the part of the States, if they were required to make some small participation in this planning fund; for instance, acquisition of funds on a 50-50 matching basis?

Wouldn't it be desirable to have some kind of matching basis for the overall study part?

Mr. HARTZOG. Senator Jordan, I would appreciate an opportunity to explain why we propose 100-percent grants rather than trying to answer your specific question.

Senator JORDAN. All right.

Mr. HARTZOG. We believe that the 1935 act charges the Secretary with the responsibility of conducting the national survey for each of these great themes of history, one copy of which we have sent to the committee table.

Now, we look on the statewide survey as being an extension of the work which the Secretary would otherwise be required to do under the 1935 act. Right now, for example, as you will see in these registers that are before you there, we are identifying sites of State or local significance, as well as sites of national significance, but because of the limitation of funds that we have had so far, we have not carried the study of these themes of history beyond the recognition of the nationally significant properties, except as one of State or local significance may seem on its face to have had national significance. Therefore, we evaluated it, and determined that it did not have national significance so that we think the grant of 100 percent is appropriate; otherwise, the Secretary should be given the money to extend the survey right down into the State and local levels.

Much of the basic work is done in this very detailed and brilliant research report that goes into the evaluation of the theme of history, which is under consideration, and a lot of this is now done through instruments at the State level by State historical societies and others.

Senator JORDAN. Do I understand you to say that this planning money will be awarded to the several States on the basis of need as determined by the Secretary?

Mr. HARTZOG. Yes, sir.

Senator JORDAN. That is all I have.

Mr. HARTZOG. The really important thing, it seems to me, sir, if I may amplify a little bit what I said, is the preparation of the basic research and evaluation of these properties, so that they can be identified.

One of the main points that was made to this special committee on which I was privileged to serve as a representative of the Secretary, was the fact that, for example, our good friend Rex Whitton said: "Many times we lay out a road, we don't know that there is a historic property in the way of that road until after the road is all laid out, and we are ready to build the road," so that the urgency about this program relates to the evaluation and identification of sites so that this information can be disseminated, and we believe that this is properly a function under the 1935 act which the Congress assumed

the responsibility of paying for when it enunciated the policy of preserving our national heritage.

Senator JORDAN. Thank you.

Senator JACKSON. Thank you, Mr. Hartzog. We appreciate having your statement this morning.

Mr. HARTZOG. Thank you, sir.

Senator JACKSON. Our next witness will be the Honorable Gordon Gray, Chairman of the National Trust for Historic Preservation.

Do you have someone with you, Mr. Gray?

STATEMENT OF GORDON GRAY, CHAIRMAN, NATIONAL TRUST FOR HISTORIC PRESERVATION; ACCOMPANIED BY ROBERT R. GARVEY, JR., EXECUTIVE DIRECTOR, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. GRAY. Yes, Mr. Chairman, may I ask Mr. Robert R. Garvey, Jr., who is the executive director, to join me?

Senator JACKSON. Surely.

Mr. Gray, we are delighted to welcome you to the committee this morning, and may I personally commend you for all the time and effort that you have put in in connection with your job as chairman of the National Trust for Historic Preservation.

I think it is a most commendable effort.

Mr. GRAY. Thank you, sir.

Senator JACKSON. You have a prepared statement. Why don't you just go right ahead?

Mr. GRAY. Mr. Chairman, if I may, I will submit the statement for the record. It, in general, supports the necessity for historic preservation. It supports the legislation in general.

Senator JACKSON. Your statement will be incorporated in the record following your oral presentation.

Mr. GRAY. As you know, there is some reconciliation that must be accomplished among these various bills, but we certainly support what they seek to achieve, and my prepared statement makes the point which I should like to make as firmly as I can, that it is our view that the burden of historic preservation must continue to be borne largely by the private sector of the economy, as it has always been in the past, but that there is required a much deeper involvement of government at all levels.

Now, having said that, I would like to say, Mr. Chairman, that I agree with virtually everything Mr. Hartzog said. My problem in testifying on these bills is what was left unsaid.

Perhaps I can put my testimony in sharper focus by pointing out some of the areas of these two bills, that is, your bill and Senator Muskie's bill, as well as Senate bill 3097, which is not before this committee, and point out what we think should be done in these bills. I might say that I have been in constant consultation with Mr. Hughes of the Bureau of the Budget, who had undertaken some reconciliation, as I understand it, and perhaps I was incorrectly informed, but I thought that most of our suggestions had been incorporated in the administration position.

That can't be, if the administration position is the one that was taken in March. Is Mr. Hartzog still here?

Senator JACKSON. Mr. Hartzog has left.

Off the record.

(Discussion off the record.)

Senator JACKSON. On the record.

Mr. HARRISON, would you identify yourself for the record.

Mr. HARRISON. I am Frank Harrison, Chief of the Division of Legislation for the National Park Service.

Senator JACKSON. Will you stand by for this discussion?

Mr. GRAY. May I go ahead?

Senator JACKSON. Yes. It is very informal. Just proceed in your own way.

Mr. GRAY. We find, Mr. Chairman, and thought that the administration agreed, that the declaration of purpose which appears in S. 3098 is desirable as a preamble to the bill, with one little amendment we had suggested to that preamble, to that declaration of purpose.

This reaffirms a national policy of historic preservation and the amendment to S. 3035 that we would suggest would be that the declaration of purpose as it appears in S. 3098 be incorporated in the bill which you introduced, with a new 1(d), which would read as follows:

That whereas the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and should continue to be, it is nevertheless necessary and appropriate for it—

Senator JACKSON. Do you have a copy of the bill? The declaration of purpose in S. 3098 starts on line 4.

Mr. GRAY. That is right, and if you go to line 9 on the second page—

Senator JACKSON. Now what part is that? Would you take part of the declaration?

Mr. GRAY. I would take all of it, but I would insert a new 1(d), at line 10 of S. 3098.

Senator JACKSON. All right, you would strike (d) in S. 3098?

Mr. GRAY. No, I think this is an addition to (d). I am sorry that my Thermo Fax copy has a little insert which was pasted, which covers it. If I could have a copy of S. 3098, I could tell you precisely.

Section 1(d) would read:

Whereas the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and should continue to be, 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.

Senator JACKSON. In other words, your suggested language would precede the current language?

Mr. GRAY. That is right. It is just an insert to have a congressional recognition that the private sector of the economy has a major concern with this, because we fear, as I am sure you do, Mr. Chairman, that some people are going to say, "All right, Uncle is going to take all this over." We don't think that Uncle should, and I don't believe the Interior Department thinks so.

Mr. HARRISON. Mr. Chairman, if I may at that point.

Senator JACKSON. Mr. Harrison.

Mr. HARRISON. The Department's report of June 7 on S. 3098 recommends that S. 3035 be amended to include a statement of purpose, and while it did not offer the additional language that Mr.

Gray has just offered, that additional language imposed on top of what is already in S. 3098 would be acceptable to the Department.

Senator JACKSON. Would be acceptable?

Mr. HARRISON. Yes, sir.

Senator JACKSON. Together with the language already contained in S. 3098, starting on the first page, line 4, through line 15.

Mr. HARRISON. That is right, sir.

Mr. GRAY. Thank you.

Now, Mr. Chairman, speaking again as the chairman of the National Trust, we find that S. 3098 contains preferable language concerning the grants to the National Trust in title IV, inasmuch as this language identifies the education, service, financial assistance, and property ownership obligations of the trust.

It spells out these functions in a little clearer manner. I had understood that this was acceptable, also.

Can you speak for that, Mr. Harrison?

Mr. HARRISON. This language would be acceptable to us. The Director has raised the question of the word "education" as to what that might be construed to mean. If it involved the informational type of activity of the trust, you may not want it to be interpreted in that manner.

This was the only point that the Director has raised on that, Mr. Chairman.

Senator JACKSON. In other words, on line 24 of page 9 of S. 3098, the reference "furthering the work of the National Trust in education service," you feel might raise some question as to extending and broadening the nature of the grant as to its purpose? Is that it?

Mr. HARRISON. This is right, and in the way of propagandizing. That is not a word I really like to use, but this is the fear, and I think that you would want to consider it.

Senator JACKSON. I wonder if that couldn't be restricted a little. I think we understand that obviously these historic sites per se have an educational value. It is a question of whether or not you are going to go beyond the site and get into an educational program that is not directly related to the explanation of what you have in the site.

I think maybe we could cover it in a report, and restrict it, and we could work that out.

Mr. GRAY. May I say, Mr. Chairman, on this point—

Senator JACKSON. You would agree with that, Mr. Gray?

Mr. GRAY. I would like to speak to that, if I may.

First, I would say that I am not sure that in the copy you have there is a comma after "education". There should be. It is "education, service * * *"

Senator JACKSON. The comma is after "service".

Mr. GRAY. There should be one after "education".

I am sure that is the intent of the drafters, it is not "education service". It is "education, service, financial assistance, and in preserving * * *"

I am not sure whether that would change Mr. Harrison's view, but the act under which the national trust was chartered, the act, I think, of 1949, Mr. Chairman, enjoined us to facilitate public participation in the preservation movement.

It seems to me that that requires educating the public so that it can participate. We are deeply involved in what I consider to be educational activities today. We conduct seminars at Woodlawn for historical museum administrators, and in connection or in collaboration with historic Williamsburg, conduct a long summer course in this field. We are deeply involved with some universities in setting up graduate programs in the general field of historic preservation. We want to be more deeply involved in that, so we consider ourselves in the education business today.

Now, I am not sure, as far as propoganda is concerned—that is an ugly word—but my own view, if I may express it, is that the more we can talk about historic preservation, the better it is for historic preservation.

Senator JACKSON. Mr. Harrison?

Mr. HARRISON. I was simply going to say it was not the intent to rule out that type of educational service. We were simply raising the question of the breadth of the word and also—

Senator JACKSON. I think there is a meeting of the minds here in general. It is a question of the adequacy, again, of the English language.

Mr. GRAY. All right, sir.

Senator JACKSON. I would think that possibly we could expand on this a little bit in the report, to indicate at least by way of illustration what we had in mind. I am sure Mr. Gray is not suggesting that this be so broad that we can undertake to grant a broad educational program, almost separated and apart from the work of the trust. It is all related, I take it, to the historical site, and it is from that that you do want to undertake, as you are, certain educational efforts.

But they are historical site related. This is what I am trying to say.

Mr. GRAY. Well, they are historical site related, generally speaking. For example, we have relationships now with certain universities in graduate programs which relate to historic preservation as an undertaking, as a movement, some of the techniques, but not necessarily related to a national trust property.

This is in the field of—

Senator JACKSON. Will this be utilized to further explain or to help assist the public in understanding what you are doing in connection with the property that is in your trust and care?

Mr. GRAY. Well, we have interpretive programs at each of our properties. But we consider that the various seminars that we have, we have regional conferences on preservation, a device through which we seek to assist local groups in carrying on their own preservation activities.

Now I consider this education. Maybe it is service. I don't know.

Senator JACKSON. Orientation. Well, I think that is something we can work out.

Mr. GRAY. Right, sir.

Senator JACKSON. Does that cover all the amendments?

Why don't we dispose of the amendments first, if there are any other amendments?

Mr. GRAY. Yes, it covers the amendments. There are other reconciliations to be effected between these two bills, if indeed you take

seriously S. 3098. This is a question of the formula for the matching grants of the national trust.

Under the administration bill, it is 50-50. That study group report recommended two-thirds Federal and one-third national trust. We don't feel that we are in a position to make that determination, but there is that discrepancy.

Then if I may make two comments about a bill that is not before you, which is S. 3097, because they relate to other elements of the administration position, section 109 establishes a graduate training program in the field of historic preservation.

I think it puts it under an advisory council, which is called for in that same legislation.

Senator JACKSON. What section is that?

Mr. GRAY. Section 109 of S. 3097.

Senator JACKSON. Starting at line 17?

Mr. GRAY. Line 17.

Now, this establishes a program of graduate education for architects and technicians, and creates a fellowship advisory board which would administer the program. I don't know yet whether the Administration supports that or not, and our suggestion is that the Congress might wish to consider putting this program under the responsibility of the National Trust for Historic Preservation, because we are the only educational institution chartered by the Congress in the field of preservation, and we are chartered as an educational institution.

This is a suggestion, Mr. Chairman, which you may wish to consider, if you consider any portions of S. 3097.

Senator JACKSON. Well, I think that suggestion is a sensible one. I have a real reservation as to whether or not we ought to get into this sort of thing at this point in time.

I say if we do, I would think it would be reasonable to place such an undertaking under your trust, rather than some Federal agency. I think you could probably do a better job.

Mr. GRAY. Then finally, with respect to the reconciliation of these three bills, on page 10 of S. 3097, title II, there is called for the establishment of a National Advisory Council on Historic Preservation.

I am aware that the administration has trouble with this legislation, Mr. Chairman, and our concern would be that in accordance with the recommendations of this special study committee, there be some mechanism in Government to coordinate the preservation activities of the various interested and concerned departments such as Interior, HEW, Commerce, and by that I mean the Bureau of Public Roads; GSA, which owns and administers historic Federal buildings, and sometimes tears them down. They are threatening now one building in St. Louis, the Old Post Office, which was designed by the same man who designed the State, War, and Navy Buildings.

We feel that there is a lack of coordination within the Federal Government itself, and we would hope that there would be, either using, beefing up the Secretary's advisory board by some representation from other Federal agencies, or through some other device, an advisory council which would promote the cause of historic preservation among Federal agencies, would coordinate their activities, and would be in a position to advise the Congress and the President on matters of historic preservation.

But I am aware that, on the basis of what I have been told, the Bureau of the Budget, the Attorney General, and the Department of Interior have trouble with recommendation for such a council. I just urge that we find some mechanism.

Senator JACKSON. I agree. I think there ought to be some interdepartmental coordination here. The Park Service, of course, has its advisory group, which reviews all of these matters. The problem, however, is when another agency of the Government, as you point out, Mr. Gray, ignores the standards that have been laid down in the Federal law, because they don't have the responsibility within their department.

I wonder, Mr. Harrison, have you any comments to make about interagency coordination on this? How you would propose to deal with this problem that Mr. Gray has mentioned?

Mr. HARRISON. Mr. Chairman, the Department does not have a cleared report on S. 3097. It is still under consideration in the Bureau of the Budget. Therefore, the most I could do would be to give you a personal expression, based on discussion that we have had up to this point.

Senator JACKSON. Very good.

Mr. HARRISON. If the Chairman would want that.

Senator JACKSON. With that understanding, would you comment?

Mr. HARRISON. The observation that we have made is that this fellowship program should really be under the control of the National Advisory Council, and that the chairman of the National Trust should be made a member of this Council.

The council would be largely a Cabinet-level council, and we feel that in this manner, you can achieve the coordination that is needed. I think you would readily recognize that this is a mechanism which by statute would be similar to what you have in the RAC Council now, and this, as I say, is simply a personal expression, based on our discussions here.

In other words, we feel there is a need for some coordination. We think it can be accomplished through a high-level council of this type.

Mr. GRAY. The difficulty is that actually, as Mr. Harrison points out, we don't have now an administration position on the bill which would set this up, and this is very difficult for the Federal agencies concerned to testify.

Well, I am sorry to take so much time. I have two further points, Mr. Chairman.

Senator JACKSON. That is all right.

Mr. GRAY. I will try to be brief. In the report of this special study committee, it was suggested that there be in the national register which Mr. Hartzog discussed so well before the committee, and I agree with what he said, it was specifically recommended that there be a first category of structures and sites which should include our prime national monuments, and that Congress should pass legislation which would protect them from demolition, mutilation, or alteration without approval of the advisory board which this committee proposes.

This is the advisory board we were just discussing. This group would include structures such as the Capitol, the White House, Mount Vernon, and Monticello.

Many of the buildings are at present on public lands, and most of those in private ownership are in no danger, but there should be an orderly evaluation of the structures belonging in this small class which should be protected with a legal safeguard.

Now, Mr. Hartzog expressed the view that the procedures and this type of arrangement should be left in the hands of the Secretary of the Interior, but he would have no authority to prevent the destruction or mutilation of Mount Vernon, for example.

Senator JACKSON. That is in private ownership?

Mr. GRAY. That is right, this is in private hands.

Of course, there is now a lot of controversy about the west facade of the Capitol, and you know that there are a lot of architects—I am not one, and I don't know enough about it to discuss it intelligently—but there are an awful lot of architects who think that there ought to be an independent review of the plans for the alterations on the west facade.

In any event, I feel as a member of the committee that I must point out to you that this recommendation did not find its way into the legislation, and my final point—

Senator JACKSON. Where is it now? Do you know, or Mr. Harrison?

Mr. GRAY. Well, there is nothing pending. The drafters of the legislation chose not to include this particular provision, and I am not in a position, of course, to offer an amendment to the bill, but I am very eager for the record to show that the Congress was aware that such a recommendation was made, whether it gets incorporated in the legislation or not.

Senator JACKSON. Mr. Harrison, is that going to be proposed in separate legislation?

Mr. HARRISON. Mr. Chairman, that is proposed in the Department's report on S. 3098, June 7; it is item 5, if I may read it.

Senator JACKSON. Yes, would you? That is an amendment to S. 3035?

Mr. HARRISON. That is right. It is an amendment to S. 3035. In other words, we are recommending action on our bill.

In reporting on S. 3098, we picked certain provisions out of that bill which we thought should be included in S. 3035, the bill you sponsored.

Senator JACKSON. All right.

Mr. HARRISON. We say:

S. 3098 requires in section 202 that the Federal agency heads having direct or indirect jurisdiction over proposed Federal or federally assisted projects must take into account the effects 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.

In other words, there should be consideration given not just to those of national significance, but to those of local or State significance, also.

Mr. GRAY. Mr. Chairman, I think that Mr. Harrison has probably taken care of my point that I first made, about what I would call the prime category sites, and he has also taken care of the final point I wished to make, I believe, because the committee recommended that

before a Federal agency expends funds for physical improvement, whether it be urban renewal or GSA, or public roads, there must be some survey to make sure there isn't a historic site which is threatened or destroyed in this activity, and I believe that the amendment Mr. Harrison is suggesting takes care of this.

Senator JACKSON. Well, that is the amendment in the form of section 202 of S. 3098; is that correct?

Mr. HARRISON. That is right, sir.

Senator JACKSON. And that is agreeable with you, Mr. Gray? Take a look at that amendment.

Mr. GRAY. Yes; I would like to, if I may.

Senator JACKSON. Off the record.

(Discussion off the record.)

Senator JACKSON. We will go back on the record.

Now, Mr. Gray, and then I will go back to Mr. Harrison.

Mr. Gray, is section 202 in S. 3098 satisfactory as far as you are concerned in meeting with the problem that you mentioned earlier?

Mr. GRAY. I think it meets my problem, Mr. Chairman, of making sure that Federal agencies do not destroy historic properties in their ongoing activities.

May I ask Mr. Harrison with respect to private properties or property in private hands to repeat what he had said a moment ago?

Mr. HARRISON. Mr. Chairman, this would apply not only to federally owned property, but to nonfederally owned property, which is involved in a Federal assistance program, provided that property is on the national register, whether it be of national significance, local, or State significance only.

And, of course—and I should point this out—this does not stop the Federal agency from going ahead with its program, but it simply requires it to consider the historical significance as one aspect of that program.

Senator JACKSON. I am wondering if there shouldn't be a report with some teeth in it. This is a declaration, and an agency can find that it did consider it, but it didn't consider it in accordance with the criteria that we were laying down in this proposed bill. That is what disturbs me.

Mr. HARRISON. This is very true, sir, and it is a question of how much, what form of sanction you want to give here. There are several things that you may wish to consider. One would be to require an agency to have a public hearing before it goes ahead with the project which would then galvanize public opinion, and at least present all sides of the case before it goes ahead with a project.

Another idea that has been suggested, which I am not too familiar with, but I am sure you are, Mr. Gray, because I understand it is the practice in England, was brought to the attention of the special committee, which, in effect, prohibits them going ahead with the project for a year, which then gives time to develop all of the facts in the case.

You may wish to elaborate on that, sir.

Mr. GRAY. Well, Mr. Chairman, I would, as Chairman of the National Trust, much prefer something with stronger teeth in this and our committee recommended a stronger approach to it, which, for example, requires a review of historic sites and buildings in the area involved, and where such review produces evidence of the existence of the historic sites and buildings, and the surveys already

made do not have sufficient evidence which is in accordance with the standards of the National Register, it would make mandatory a historic survey prepared in accordance with such standards, and funds would be provided, presumably from the Secretary of the Interior, for these surveys.

Then the Department concerned would have to give evidence that it had taken into account the impact on the historic area which is threatened.

I don't know how far the Congress would want to go, but in terms of our prime national monuments, which are in the first category of the register, which the Secretary of the Interior would establish, it seems to me that the Congress of the United States would have an interest in making sure that places like Mount Vernon—which is not threatened now—which are privately owned—

Senator JACKSON. Are they getting any Federal assistance of any kind?

Mr. GRAY. No.

Senator JACKSON. Of course, they wouldn't be covered under this.

Mr. GRAY. No; they would not be, and this is what seemed to be omitted. I think that I would simply suggest respectfully—

Senator JACKSON. But wouldn't the other provisions of the bill cover it? If they are registered, I mean, once they are identified—

Mr. GRAY. There is no way, Mr. Chairman.

Senator JACKSON. You can't stop a private owner, of course, from doing anything he wants to do.

Mr. GRAY. Well, our European friends don't fool around with these things. With a monument that is of prime concern to the United States, which I think the Capitol, or Mount Vernon or Monticello, is, the European countries would have those things protected by central government legislation against any kind of destruction or mutilation.

Senator JACKSON. What you are saying is that there ought to be a separate register of unusual monuments.

Mr. GRAY. Of the highest importance. There would be a relatively few, but of such supreme importance that nobody could touch them. And this doesn't appear in any of the legislation anyplace.

Senator JACKSON. I would think that makes some sense, that there should be a register of some of these unusual historical sites that could not be disposed of or changed from the purpose for which they are currently being used, without an opportunity for the Federal Government to take appropriate action.

Mr. GRAY. Exactly.

Senator JACKSON. That is what you are saying?

Mr. GRAY. I would like to see that done; yes.

Senator JACKSON. But you can't spread that throughout?

Mr. GRAY. No, no.

Senator JACKSON. The problem is to delineate.

Mr. GRAY. This would be the prime highest category of structures which the national register would say, "these are not to be destroyed, these are to be preserved at all costs."

Senator JACKSON. Excuse me. I wonder, Mr. Gray, if it wouldn't make some sense if we had some language in the report, in connection with this legislation, calling upon the Department to identify some of these places.

In connection with the register that would be worked out for historical sites throughout the country, that within the register there would be a special register that would deal with such situations as Mount Vernon, and have those on a separate register.

On the basis of that, of course, we would have the data, the information, on which we could pass special legislation, dealing with that type of identification.

What would you think of that?

Mr. GRAY. I would think this would be very good. I think we are derelict, Mr. Chairman, as a Government, if we don't take every possible step to protect our primary national monuments, and there are relatively few of them, and how this is done, I am not sure I know how you would do it.

I think it would require legislation. And under any of the proposed bills, as they are now written, this would not be done.

Senator JACKSON. But in the report we could indicate that we would like, as a first order of priority, to identify these outstanding and unusual federally identifiable sites, which are privately owned, and which, because of their unusual significance, should be placed on a special register and the problem as to the preservation of these sites, in the event of a change in preservation plans, could be sent to the Congress with some recommendation as to what should be done.

Mr. GRAY. Yes, sir; I would like, if I may suggest, for you to include federally owned buildings on that list, also.

Senator JACKSON. That gets me back to section 202 of S. 3098. Why wouldn't it be helpful in connection with section 202 to have a Federal historical buildings and sites register?

Mr. GRAY. I think it would, Mr. Chairman. As I understand it, in the national register landmark program—Mr. Hartzog referred to this—there is no category for Federal buildings.

Senator JACKSON. My point is, if you had a Federal register of such historical buildings and sites, then it would seem to me that the head of the agency would be on notice, and he would have to follow a certain procedure. Where such sites and historical buildings have been identified, a proposal for change of status should be submitted to the advisory group.

Mr. Harrison?

Mr. HARRISON. Mr. Chairman, as a matter of fact, Federal buildings of national significance would be included in the register, under the two that we have been talking about today.

We had not been talking about putting them in a separate category as such, but administratively, it could be done, and I am sure we would be happy to do it.

My point is that the national register would not be limited to those sites, objects, or buildings that are only in non-Federal ownership.

Senator JACKSON. No.

Mr. HARRISON. It would include them, sir.

Senator JACKSON. Well, what I was thinking, in connection with section 202, Mr. Harrison, is that that language could be strengthened by identifying—

Mr. HARRISON. Yes, sir.

Senator JACKSON (continuing). What you are talking about. In other words, all it says is, "The head of any Federal agency, having direct or indirect jurisdiction over a proposed Federal or federally

assisted project 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 site, building * * *," et cetera.

I would include in there some language that would state that he would not be able to go ahead with any change where the building or site has been identified by the Board as having historical importance.

Do you see my point?

Mr. HARRISON. Yes, I do, sir. I see.

Senator JACKSON. In other words, this test is subjective. He can make a finding, without being required to give, in detail, his reasons. He could just find that it has no importance.

Mr. HARRISON. Yes, I agree.

Senator JACKSON. I think we ought to have something in the way of language in section 202 to provide a guide to the other Federal agencies.

Mr. GRAY. This concludes my comments on the legislation. I am grateful to you for letting me take so much of your time.

Senator JACKSON. Thank you, Mr. Gray. We appreciate your coming up here and your comments have been extremely helpful. I hope we can work out some amendments that will achieve what you have suggested.

Mr. GRAY. Thank you, sir.

Senator JACKSON. Thank you also, Mr. Harrison.

Mr. HARRISON. Thank you.

Senator JACKSON. As stated, Mr. Gray, your prepared statement will be included in the record at this point.

(The statement referred to follows:)

STATEMENT OF GORDON GRAY, CHAIRMAN, NATIONAL TRUST FOR HISTORIC PRESERVATION

My name is Gordon Gray. I appear in my capacity as Chairman of the National Trust for Historic Preservation, and speak on behalf of our Trustees and more than 10,600 contributing members.

America's heritage of landmarks has been ravished not by invaders as in many other lands, but by a war of our own making. America's unceasing quest and drive for development and progress has unintentionally and, in many instances, unknowingly left a wake of senseless destruction. The new has risen on the ashes of a building, a neighborhood, a vista, an open space which should have been preserved and passed on to new generations. Our freedom, however makes it possible for us to legislate *now* to protect, interpret and use that which remains of the landmarks across this country.

We celebrate the 25th anniversary of the National Gallery; last fall we commemorated an anniversary of the Smithsonian Institution. Celebrations are directed to the success of programs and to the wisdom of those leaders who bring them into being. These just and worthwhile causes protect a national heritage which can be taken inside and stored, displayed and viewed. On the other hand the cityscape cannot be treasured from such storehouses and brought out for special exhibition. These landmarks which enrich the city and the countryside must be preserved on their natural site in relation to their surroundings and their functions, growing more valuable as time and weather age them and until their contribution is felt and made known.

Townscapes of tomorrow must have this character and beauty of man-made resources rooted in nature which accumulate through the years. It is worse than meaningless—indeed, wanton—to destroy the best that we have, while trying to create new and inspirational environments.

Organized concern for our tangible heritage began in 1859 when ladies from every state purchased and saved Mount Vernon. Through a dedicated number of individuals and organizations linked together through The National Trust for Historic Preservation, this concern of enlightened Americans has spread across the United States. Initially the focus was on the houses of the great and the

places where political and military history were made. Now, landmarks of beauty, good design and neighborhood character are also being recognized and are assuming their places of importance.

President Johnson in his Message on Natural Beauty in February 1965, and the White House Conference on Natural Beauty in 1965 provided the inspiration and suggested the method. The recently published *With Heritage So Rich*, the report of the Special Committee on Historic Preservation under the auspices of the U.S. Conference of Mayors with a grant from the Ford Foundation, recommended the techniques. Public awareness of the problems of a rootless, ugly America has been kindled and must be stimulated into active appreciation and participation. Public and private agencies must assume an obligation to the citizenry for an environment made meaningful and attractive through the preservation of our landmarks. Once the legislative means are available to identify and protect, once what exists is evaluated, the American people with their initiative and imagination must find uses for the worthy structures in their cities.

The National Trust is dedicated to this total effort to bring about a distinctive environment, assisting the American people in saving a heritage which is theirs and which they must protect. The National Trust has cooperated with the various federal programs having these objectives and directly or indirectly related to preservation, including the salvage and historic buildings studies programs of the General Services Administration; the archeological and research programs of the Smithsonian Institution; the scenic parkways and other programs in the Bureau of Public Roads, and the United States Travel Bureau of the Department of Commerce; the redevelopment and planning programs of the Urban Renewal Administration in the Department of Housing and Urban Development; the Neighborhood Youth Corps programs in the Department of Labor; the various educational and museum related program of the Department of Health, Education and Welfare; as well as other programs of the Department of State, Office of the Attorney General and the Executive Offices.

Cooperative programs involving the National Trust and the National Park Service of the Department of the Interior, have been particularly effective. These programs have been directly involved with the retention for use of significant areas and sites which because of either their natural or man-made beauty, or historic and scenic importance, are of national significance. Among the most significant of these programs, is the Registry of National Historic Landmarks, jointly sponsored by the National Trust and the National Park Service, which is the only national effort to identify and mark buildings and sites of national importance. This effort has led to the marking of several hundred sites, structures, and areas as Registered National Historic Landmarks, and to the identification or further documentation of thousands of others. Landmark designation has been a significant factor in the retention of many of these. In addition, the Registry serves as an adequate base for the development of a national register of buildings protected by legal safeguards.

The traditional role of private leadership and activity in preservation in the United States has been to carry the main burden of the work. This will be intensified and bolstered with the programs made possible by this legislation. The National Trust, as the only private non-profit organization chartered by the Congress to lead the private preservation program, is prepared to assume the additional responsibilities which the legislation will confer upon it.

This charter was granted in 1947 to a cause backed simply by 35 sponsoring organizations; less than 20 years later this well-established cause, known as The National Trust, reaches out to about 10,600 individual members, and through more than 650 national, regional and local member organizations, supported by their estimated membership of 720,000 individuals; these groups own more than 2000 houses, sites and other properties; an estimated figure of more than 16,000,000 persons visit or use these houses and other facilities annually.

One of these organizations, the Vieux Carre Commission owns or supervises 3,000 houses, sites or other properties in New Orleans' historic district; the Society for the Preservation of New England Antiquities is responsible for 57 properties, ranging in date from the mid-seventeenth century to 1811, which it owns and maintains in five states; the American Institute of Architects is a 16,000 member professional society with 153 chapters.

From these members and the general public The National Trust receives more than 200 requests monthly for advice, for consultation and conferences, for funds, for intervention to save and for legislative information. The greatest number of inquiries comes from those areas of the country where the National Trust membership is the strongest—where there is the greatest awareness of the importance of landmark preservation.

Nevertheless, the success of these efforts, like the number of people involved, has been too limited. There have been too few leaders, too few dollars, and far too many great buildings and places destroyed or ignored.

This legislation together with other pending legislation, contains provisions that will strengthen the National Trust's program of education, service and financing of projects and extends the programs of other groups and agencies to include preservation concepts and objectives. This legislation will thus help assure the success of national landmark preservation which, as a tangible record of American history, is the birthright of every American.

It will be possible for the Trust through public education to broaden the awareness of the great mass of American people to values of their landmarks and to create the citizen participation required for the success of this endeavor. It will not only permit the Trust to meet needs with tangible assistance, but it will enable this public service institution to expand its program intelligently, moving ahead to day-to-day crises, so that in time the preservation movement will be one of planning and orderly action, rather than frantic, last minute effort, which too often results in failure.

(Subsequent to the hearing, Mr. Gray submitted the following additional testimony:)

NATIONAL TRUST FOR HISTORIC PRESERVATION,
Washington, D.C., June 8, 1966.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I am grateful to you for the courtesies you and your colleagues showed me this morning when I appeared. As you will understand, witnesses are always appreciative of a sympathetic attitude on the part of a committee.

On the point of the educational functions of the National Trust, I feel that I did a poor job of testifying. I would like to remind you that the enacting clause of Public Law 408, 81st Congress, reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to further the policy enunciated in the Act of August 21, 1935 (49 Stat. 666), entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance or interest, there is hereby created a charitable, *educational*, and nonprofit corporation, to be known as the National Trust for Historic Preservation in the United States, hereafter referred to as the 'National Trust'. The purposes of the National Trust shall be 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, and to execute such other functions as are vested in it by this Act." [Italic supplied.]

I have asked Bob Garvey to send you some pamphlets indicating the nature of some of our educational activities.

Sincerely,

GORDON GRAY, *Chairman.*

Senator JACKSON. We have one more witness, Mr. Joseph Prendergast, the executive vice president of the National Recreation & Park Association. Do you have a prepared statement?

STATEMENT OF KEN SMITH, WASHINGTON REPRESENTATIVE,
NATIONAL RECREATION & PARK ASSOCIATION, APPEARING ON
BEHALF OF JOSEPH PRENDERGAST, EXECUTIVE VICE PRESIDENT,
NATIONAL RECREATION & PARK ASSOCIATION

Mr. SMITH. Yes.

Senator JACKSON. I wonder if you could touch on the important points that have not been dealt with here this morning and then put your full statement in the record?

Mr. SMITH. Yes, sir.

Mr. Chairman, I might explain that I am Ken Smith, the Washington representative of the National Recreation & Park Association. I am appearing for Mr. Prendergast, who could not be here today.

Senator JACKSON. All right, sir.

Mr. SMITH. And I would like to have the statement included in full in the record.

The CHAIRMAN. It will be included.

Mr. SMITH. The association endorses S. 3035 and is primarily interested in the legislation because it accomplishes two major goals which are outlined in the bill; registry of historical landmarks, and the establishment of a matching fund available to States and local governments. We are especially interested in the bill as it applies to cities, counties, and State governments, because this is where a great deal of the destruction of meaningful historic landmarks is taking place.

To the comments that have been made by the previous witnesses, I would say we would concur with the overall comments and would support the final provisions as adopted by the committee.

Basically, we feel that there is a very definite need for this legislation. Time is wasting. Each year many, many historic landmarks are being destroyed and can never be replaced.

We feel it is appropriate that this legislation be passed as quickly as possible.

Senator JACKSON. I take it you are in accord with some of the amendments that were suggested today?

Mr. SMITH. That is correct, sir.

Senator JACKSON. Senator Jordan? Questions?

Senator JORDAN. No, no questions.

Senator JACKSON. Thank you very much, Mr. Smith. Your full statement will be printed at this point.

(The statement referred to follows:)

STATEMENT OF JOSEPH PRENDERGAST, EXECUTIVE VICE PRESIDENT, NATIONAL RECREATION & PARK ASSOCIATION

Honorable Chairman and members of the subcommittee, my name is Joseph Prendergast, and I am executive vice president of the National Recreation and Park Association. This organization came into being on January 1, 1966, after six national recreation and park organizations merged into a single organization to serve the people of the United States in their pursuit of better park and recreation facilities and programs and to help provide more wholesome and meaningful leisure time activities for the American people. The organizations that now comprise the National Recreation and Park Association formerly were the National Recreation Association, American Institute of Park Executives, American Recreation Society, National Conference on State Parks, National Association of State Park Directors, and the American Association for Zoological Parks and Aquariums.

Laurance S. Rockefeller is President of this organization and its Board of Trustees is made up of distinguished lay and professional leaders from all parts of the Nation. Over 600 outstanding parks and recreation leaders serve on its various national and district advisory committees. Some 2,500 national, State and local parks and recreation agencies, both public and private, are service affiliates of the Association and over 7,000 professional recreation leaders are members of its professional division.

America, as a comparatively young nation, has amassed a wealth of cultural and political legacies that are recorded splendidly in our history books for our future generations to read about and to experience vicariously. This is truly a rewarding adventure, but if one cannot enjoy these exploits first-hand the next best thing is to be able to identify oneself with these great moments by visiting the locale where these famous events occurred. This is the primary purpose of

the Historic Preservation movement today—to preserve properties of historic and cultural significance for the education and enjoyment of the people today and in the years to come.

S. 3035 is two-fold in its purpose. First, it recognizes the need for a survey of existing historical sites to locate the sites that are of meaningful historical value worthy of preservation. And secondly, it authorizes financial assistance for planning, acquisition and development of these sites.

There is a most urgent need for the implementation of these programs since our expanding highway activities, urban renewal projects, and expansion of urban areas are rapidly razing these structures and once they are destroyed, they can never be replaced.

The National Recreation and Park Association is very much in favor of the passage of this bill since historical areas have been and are an integral part in our city, county, state, and national parks and/or recreation systems. Many of our national parks, museums, and community centers are historical landmarks that have been preserved and restored and are now being used to enrich the lives of our citizens. Thus these areas are not merely passive sightseeing attractions but are useful, educational and economically sound enterprises.

We are all proud of our cultural and historical heritage and it is our duty and responsibility to insure that the generations to come will not be deprived of what is rightfully their inheritance. The passage of S. 3035 to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes—will be another step forward in our continuing efforts to preserve our significant historical monuments in perpetuity.

Senator JACKSON. The American Institute of Architects has asked for an opportunity to comment on these bills and when their letter is received it will be included at this point.

(The letter referred to follows:)

THE AMERICAN INSTITUTE OF ARCHITECTS,
Washington, D.C., June 17, 1966.

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

DEAR MR. CHAIRMAN: The American Institute of Architects, a professional association organized in 1857 and which today represents a membership of more than 22,000 licensed architects, appreciates this opportunity to comment on S. 3098, legislation to promote and coordinate historic preservation activities of Federal, State, and local governments.

AIA's active participation in the preservation movement began with a resolution passed at the 1890 Convention calling for the appointment of a Committee on Historic Buildings. From its establishment, the Committee's duties have been to foster preservation of the nation's historic buildings—particularly buildings having architectural significance—and to encourage the establishment of agencies to care for these structures.

In late 1933, the Historic American Building Survey was jointly organized by the AIA, the National Park Service, and the Library of Congress. AIA was also instrumental in forming the National Trust for Historic Buildings, a service organization chartered by Congress in 1949, which helps to preserve sites, buildings, and objects significant in American history and culture. Other preservation activities undertaken by the Institute include developing and maintaining a national roster of 150 AIA preservation officers and keeping up-to-date material on preservation needs, projects and techniques.

To round out this summary of our involvement in historic preservation activities, we note our support of the work of the Special Committee on Historic Preservation which recently published their report entitled, "With Heritage So Rich". The legislation (S. 3098) pending before your Committee reflects, in part, the recommendations made by this report. Last month, a bill to further implement these recommendations, S. 3097, was supported by the AIA at hearings before a Senate Panking and Currency Subcommittee.

As "With Heritage So Rich" points out, the current preservation effort is not sufficient to stop the tide of destruction. Senator Muskie noted as he introduced S. 3098 that half of our historically significant structures have already been destroyed and in another five years there may be no need for this legislation.

We support S. 3098 in every respect and find particularly noteworthy provisions in the bill to—

Authorize the Secretary of the Interior to establish and maintain a national register of sites, buildings, and objects significant in American history, architecture, archeology, and culture;

Provide funds to accelerate existing preservation programs authorized by Congress as well as the preservation of properties included in the national register;

Authorize the Secretary of the Interior to make grants (a) to state and local governments for historic preservation surveys, plans, and projects, and (b) to the National Trust for Historic Preservation to further its work; and

Require Federal agency heads to take into account the effect of Federally assisted projects on any site, building, or object of national significance that is included in the national register before approving the expenditure of Federal funds.

On this final point we suggest the legislative history reflect the Congressional intent that to "take into account" the effect of a Federal project on a site, building, or object of national significance means "to justify by a balancing of the equities." We believe a justification to be of greater meaning than a mere acknowledgement.

S. 3098 is exceedingly timely legislation. It establishes a program this country has needed for years. It will provide the tools to save thousands of buildings which are uniquely American and which can never be replaced. It responds to the alarm sounded by architects, historians, and others who have, up to now, fought a generally losing battle against the bulldozer approach to redevelopment. We urge speedy enactment of the bill.

Sincerely yours,

MORRIS KETCHAM, Jr., FAIA, *President.*

Senator JACKSON. At this point we will include also in the record a letter addressed to the chairman from Edward M. Risse, senior planning specialist and staff adviser to the Historical/Architectural/Landmarks Committee, for the Herkimer-Oneida Counties Comprehensive Planning Program, Utica, N. Y.

(The letter referred to follows:)

HERKIMER-ONEIDA COUNTIES COMPREHENSIVE PLANNING PROGRAM,
Utica, N. Y., June 3, 1966.

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

DEAR SENATOR JACKSON: The Historical/Architectural/Landmarks Committee was created to provide the Comprehensive Planning Program with advice and guidance in the identification of structures and areas of particular historical, architectural and landmark significance. The committee is made up of official municipal historians, representatives of historical societies, museums, and professional societies, and interested groups and individuals. The committee represents a metropolitan area with 77 municipal governments and a third of a million population. The Planning Program provides professional staff assistance.

The initial project was to make a preliminary survey of buildings, areas and sites which are worthy of further consideration by the Committee in establishing a master list of Historical/Architectural/Landmark Resources within the two-County area. This survey has nominated over 600 sites. The Committee is working to preserve structures and areas of special worth.

In connection with this activity the Committee has reviewed proposed legislation in the Congress and strongly urges your support of S. 3035 and S. 3098.

Sincerely,

EDWARD M. RISSE,
Staff Adviser, Historical/Architectural/Landmarks Committee.

Senator JACKSON. Mr. E. R. Welles, of Manset, Maine, has submitted some data in support of a historic sites preservation bill that will be included at this point.

(The data referred to follows:)

MANSET, MAINE, *May 10, 1966.*

Senator JACKSON,
U.S. Senate, Congress of the United States,
Washington, D.C.

DEAR SENATOR JACKSON: I wish to express my appreciation for the initiative that you've taken in preservation of historic properties throughout the Nation as illustrated by your introduction of S. 3035.

The inclosed information will explain why I well know the need of your bill. I hope that you and your legislative assistant will find the enclosed information interesting and helpful in your promotion of your bill.

We are mainly attempting to preserve in Kinderhook, New York, the home of President Martin Van Buren who was the Father of American Politics and the historic setting where the Father of American Literature found the inspiration to write his two most memorable stories, *The Legend of Sleepy Hollow* and *Rip Van Winkle*. This will entail the purchase of a 2½ square mile area which is just starting to be destroyed by haphazard building. Now the area will be less expensive so I hope the National Park Service shows wise discretion by adding this most important area to their system.

Again thanks for your interest and leadership in the developing conservation movement.

Cordially yours,

E. R. WELLES.

[From the Hudson Register-Star, Feb. 18, 1966]

NATIONAL PARK SERVICE TO STUDY LINDENWALD

WASHINGTON, D.C.—The United States Department of the Interior notified Congressman Joseph Y. Resnick today that it will conduct field studies of Lindenwald at Kinderhook, late this spring, to determine the advisability of establishing the estate as a unit of the National Park system.

Lindenwald was the home of President Martin Van Buren, who was a native of Kinderhook.

This notification came in response to a request the Congressman made last November to George B. Hartzog, Jr., Director of the National Park Service. The Congressman's request followed receipt of a letter from Mrs. Robert Davidson III and Mr. Edward R. Welles III, and a petition, signed by 264 residents of Columbia County, distributed by the Citizens' Committee for Lindenwald Becoming a National Park.

Congressman Resnick said he was "delighted" at the action that will be taken by the Department of the Interior, but he warned against undue premature optimism. "It's much too early to tell how this will work out," he said, "but at least we've got the ball rolling. We are going to work with this very closely."

The text of the letter from National Park Service follows:

"As requested by your recent letter, we are pleased to inform you or our plans for studying Lindenwald, Kinderhook, New York, to determine the feasibility of establishing it as a unit of the National Park System.

"We plan to conduct field studies of Lindenwald late this spring. The study team doing the field work will prepare a study report containing its findings and recommendations. The report then will be reviewed by the Service and perhaps by the Secretary's Advisory Board on National Parks, Historic Sites, Buildings and Monuments at its meeting in October. Accordingly, we anticipate that no recommendations concerning Lindenwald will be available until November or December. We will, of course, want to discuss them with you at that time."

AMERICAN HISTORY

(By E. R. Welles)

Eight year old Jimmy Smith looked out at the view from the Statue of Liberty and waved his American flag. Jimmy wondered what the view was like when his ancestor, Captain William Beedlow owned the island. It is exciting, he thought as he felt a warmth within himself, and I'm proud to have a family connection with this place.

Thinking he'd seen enough Jimmy stepped back and said to his parents, "You know mother and dad, because you told me that I'm descended from a guy who owned this island I feel as if I'm a part of American history, but what use is history?"

Mrs. Smith suggested, "History can be an encouragement to people. It shows one how to live a better life, and what things shouldn't be repeated. These examples are the best educators."

Mr. Smith continued, "Judging by current standards most people wouldn't agree with me, but history's most important purpose is to give a person a sense of responsibility."

"You mean," Jimmy chimed in, "because Captain Bedlow gave this island, for one dollar, to the federal government when it was needed, because he helped the cause of liberty, I am supposed to do the same?"

PRESIDENT MARTIN VAN BUREN WAS FROM OK AND CALLED OK
BY HIS SUPPORTERS

(Compiled by E. R. Welles)

OK started Military Draft in 1814.—"My introduction of the 'Classification Bill' * * * authorized the * * * call into actual service * * * the free white male inhabitants * * * over the age of 18 years." Martin Van Buren

OK started equal voting rights for Negroes in 1821.—Martin Van Buren established the first Negro voting rights law in the United States of America.

OK organized the Democratic Party.—"When the Republicans * * * continued to regroup along artificial personal lines * * * Martin Van Buren master minded and alone discharged the tremendous task of basic reorganization. It took him two years to accomplish his ends and not until well into 1828 did the 'Democratic Party' finally emerge." R. V. Remini.

OK organized the election of Andrew Jackson.—Martin Van Buren did more "to obtain General Jackson's election, than any other man—yes, than any ten other men—in the country." Daniel Webster.

OK formed Jacksonian policy.—"To Van Buren more than to any man of his time must be awarded the credit of forming the creed of the Jacksonian Democracy." E. M. Shepard.

OK highly thought of by Jackson (as stated a few days before he died in 1845).—"I have enjoyed a long and happy acquaintance with Mr. Van Buren and have ever found him perfectly honest; as a statesman, quick and penetrating, possessing a powerful mind governed by strict integrity; ever ready to sacrifice personal feelings for the good of his country and totally regardless of individual popularity when his duty called him to defend the rights of the people."

OK insured American freedom rights with his Sub-Treasury Bill.—"The boldest and highest stand ever taken by a chief magistrate in defense of the rights of the people * * * a second declaration of independence." Frank Blair, a newspaperman and former member of Jackson's Kitchen Cabinet.

OK became a part of Man's language.—On May 27th, 1840, the *New Era* newspaper reported the appearance of an OK campaign breast pin, and stated explicitly that the term was "significant of the birthplace of Martin Van Buren, Old Kinderhook." H. L. Mencken.

OK as thought of by a free Negro laborer.—"The Working Class of people of the United States * * * ought to never forget the Hon. ex president Van Buren * * * his name ought to be Recorded in every Working Man heart." Michael Shiner.

OK started the present Republican Party.—"Little Van, Democrat * * * accidentally founded the Republican Party * * * " Holmes Alexander.

EVIDENCE CONCERNING THE LEGEND OF SLEEPY HOLLOW

(By E. R. Welles)

1783—Washington Irving born.

1793—Irving thought to have visited Tarrytown but there is no definite record of any visit until after he wrote the Legend.

1808—Jesse Merwin, Kinderhook's schoolmaster, married Jane Van Dyke; they lived at her parent's homestead.

1809—Irving visited Van Ness at Lindenwald in Kinderhook for two months and met Jesse Merwin. Later in the year Irving had his *Knickerbocker's History of New York* published; the book won the acclaim of Sir Walter Scott.

1810—Jesse Merwin's father-in-law died leaving the homestead to him. Irving on his way from Albany to New York stopped at Kinderhook for a visit.

1818—Irving is reputed to have gotten the idea to write *L of S H* for his *Sketch Book* series.

1819—Irving wrote the *Legend of Sleepy Hollow* while in London, England.

1820—*Legend of Sleepy Hollow* was published. Supposedly Irving told N. P. Willis that he first thought of the story while walking one Sunday with Peter (his Brother) over Westminister Bridge. The idea for the story struck him when his brother was telling stories of Tarrytown during the walk.

1832—Irving purchased the house he later called Sunnyside.

1833—Irving paid a visit to Martin Van Buren at Kinderhook.

1851—Irving endorsed a letter from Jesse Merwin: "From Jesse Merwin, the original of Ichabod Crane." Irving mentioned in a letter to Merwin their fishing together and the teacher's schoolhouse "where, after my morning's literary task was over, I used to come and wait for you occasionally until school was dismissed, and you used to promise to keep back the punishment of some little, tough, broadbottomed Dutch boy until I should come for my amusement—but never kept your promise."

1859—Irving died and was frequently called the first American man of letters. *Father of American Literature.*

1898—Controversy over actual location for the *Legend of Sleepy Hollow* arose. Harrold Van Santvoord of Kinderhook makes the claim that Irving admitted to a lady that the Brom Bones of the story was really Brom Van Alstyne (whose descendants still live here in Kinderhook and claim that according to tradition their ancestor played the prank of being the Headless Horseman to scare Jesse Merwin).

1921—Governor Martin H. Glynn, who came from Kinderhook, claimed: "It is self-evident from this preponderance of evidence that Kinderhook furnished the principal characters and many of the scenes of 'The Legend of Sleepy Hollow'."

[From the *Medina Gazette-Post*, Medina, Ohio]

DOUBTING THOMAS

(By Al Thomas)

HON. ROBERT KENNEDY
U.S. Senator, State of New York.

SENATOR KENNEDY: Last week while traveling through New York state, my wife and I drove past the "*Lindenwald*" home of Martin Van Buren, 8th President of the United States. The large home, near Kinderhook, N.Y., is the type of manor which readily lends itself to use as an historical shrine.

In front of the mansion was an unsightly heap of assorted junk. An even more unsightly commercial enterprise was operating immediately in front of the entrance to the manor.

It is extremely unfortunate that there are people in the country so unfeeling as to desecrate the memory of one of our presidents. Thousands of Americans have been sickened at the sight of motels and cocktail lounges on Gettysburg battlefield. Thousands have been shocked to hear that developers would like to build homes right up to the front door of Mt. Vernon, home of our first President.

Isn't there some way the home and grounds of Lindenwald could be saved? The National Park Service has done such splendid work in this area, it should be given an opportunity to operate in Kinderhook.

Your family has a long history of interest in the historical traditions of our country. Perhaps your new position of influence will enable you to initiate some action in this important (to our children) matter.

Thank you for any interest you take in the matter of preserving the historical landmarks of the land.

A. S. THOMAS.

Senator JACKSON. This will conclude our hearings this morning on the two bills.

(Whereupon, at 11:30 a.m., the hearing was adjourned.)

