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PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA AND PRESERVATION OF HISTORIC MONUMENTS

GOVERNMENT

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HEARINGS

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BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 1245

A BILL TO AMEND THE ACT OF JUNE 27, 1960 (74 STAT. 220)
RELATING TO THE PRESERVATION OF HISTORICAL
AND ARCHEOLOGICAL DATA

S. 1152

A BILL TO FACILITATE THE PRESERVATION OF HISTORIC
MONUMENTS, AND FOR OTHER PURPOSES

JUNE 10, 1971

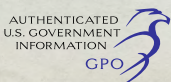


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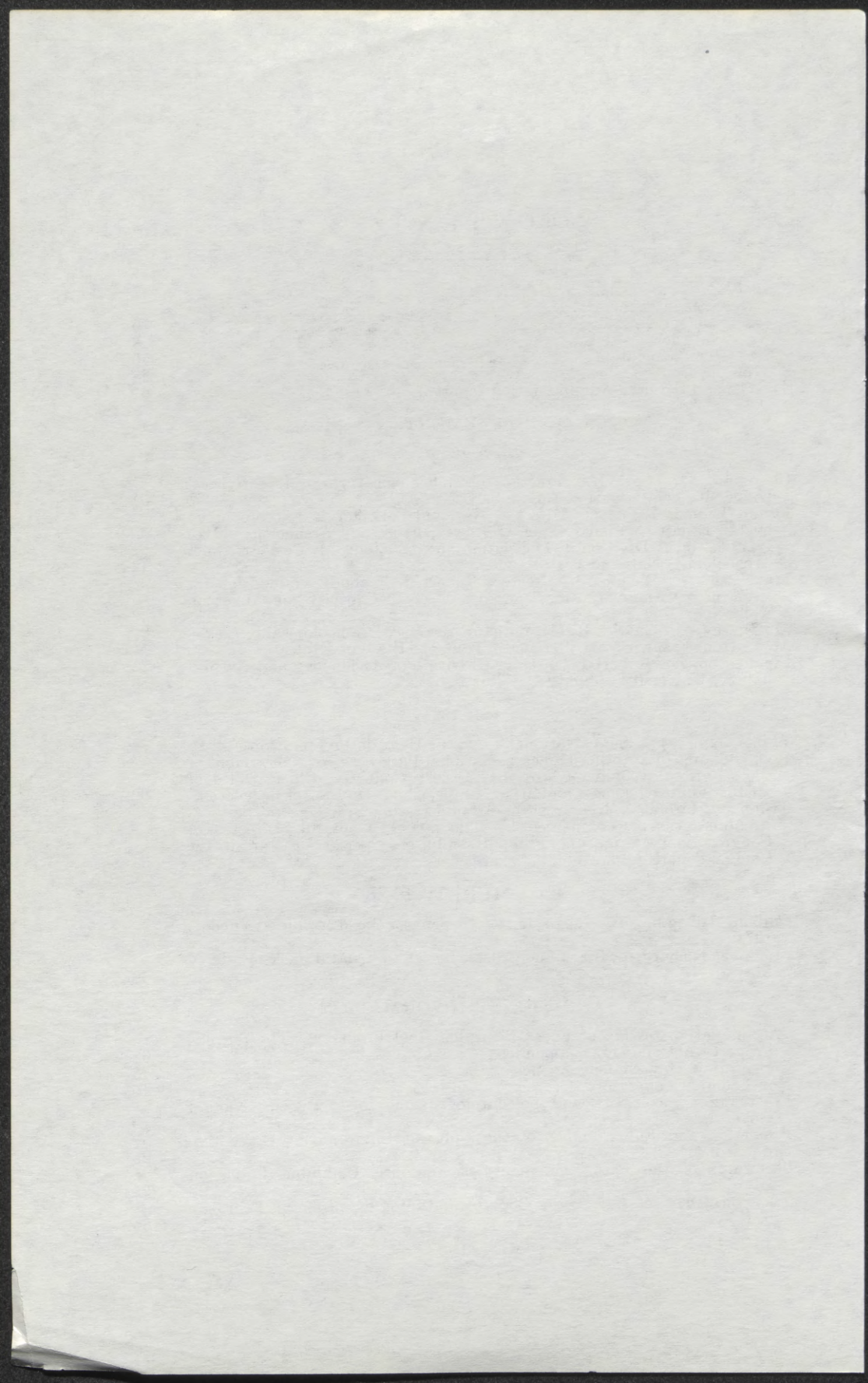
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S. 1245—PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA

THURSDAY, JUNE 10, 1971

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

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible (presiding), Anderson and Moss.

Also present: Bernard C. Hartung, professional staff member; and Thomas Nelson, assistant minority counsel.

Senator BIBLE. The hearing will come to order.

This is the time duly noticed and set for an open public hearing by the Senate Parks and Recreation Subcommittee on the bill, S. 1245, to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 1245 will amend the 1960 act by reenacting its major provisions, but with the following significant changes: (1) broadening the scope of activity that will give rise to a salvage program to include not only dam construction but any Federal, federally assisted, or federally licensed activity; (2) authorizing the Secretary to conduct a survey and salvage program upon notification not only by the instigating agency but upon notification by any other Federal or State agency or responsible private organization or individual; and (3) authorizing the instigating agency to expend program activity funds for recovery and preservation of data or, upon notice by the Secretary, to transfer to him up to 1 percent of the amount appropriated for the activity in order to enable the Secretary to conduct the survey and salvage required.

I place in the record at this point the bill, S. 1245, together with the accompanying departmental reports.

(S. 1245 and the accompanying reports follow:)

(1)

92^d CONGRESS
1st SESSION

S. 1245

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1971

Mr. MOSS (for himself, Mr. BIBLE, Mr. CHURCH, Mr. CRANSTON, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. HARRIS, Mr. HARTKE, Mr. HATFIELD, Mr. JACKSON, Mr. JAVITS, Mr. JORDAN of Idaho, Mr. KENNEDY, Mr. MCCLELLAN, Mr. MCGEE, Mr. METCALF, Mr. MONDALE, Mr. MUSKIE, Mr. PELL, Mr. PERCY, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Act entitled "An Act to provide for the preserva-
4 tion of historical and archeological data (including relics
5 and specimens) which might otherwise be lost as the result
6 of the construction of a dam", approved June 27, 1960
7 (74 Stat. 220), is amended to read as follows: "That it
8 is the purpose of this Act to further the policy set forth
9 in the Act entitled 'An Act to provide for the preservation
10 of historic American sites, buildings, objects, and antiquities
11 of national significance, and for other purposes", approved

1 August 21, 1935 (16 U.S.C. 461-467), and the Act en-
2 titled 'An Act to establish a program for the preservation
3 of additional historic properties throughout the Nation, and
4 for other purposes,' approved October 15, 1966 (80 Stat.
5 915), by specifically providing for the preservation of
6 scientific, prehistorical, historical, and archeological data
7 (including relics and specimens) which might otherwise
8 be irreparably lost or destroyed as the result of (1) flooding,
9 the building of access roads, the erection of workmen's com-
10 munities, the relocation of railroads and highways, and
11 other alterations of the terrain caused by the construction
12 of a dam by any agency of the United States, or by any
13 private person or corporation holding a license issued by
14 any such agency; or (2) any alteration of the terrain
15 caused as a result of any Federal, federally assisted, or
16 federally licensed activity or program.

17 "SEC. 2. Before any agency of the United States shall
18 undertake the construction of a dam, or issue a license to
19 any private individual or corporation for the construction of
20 a dam it shall give written notice to the Secretary of the
21 Interior (hereinafter referred to as the 'Secretary') setting
22 forth the site of the proposed dam and the approximate area
23 to be flooded and otherwise changed if such construction is
24 undertaken: *Provided*, That with respect to any floodwater
25 retarding dam which provides less than five thousand acre-

1 feet of detention capacity and with respect to any other type
2 of dam which creates a reservoir of less than forty surface
3 acres the provisions of this section shall apply only when the
4 constructing agency, in its preliminary surveys, finds, or is
5 presented with evidence that scientific, prehistorical, histori-
6 cal, or archeological data exist or may be present in the
7 proposed reservoir area.

8 "SEC. 3. (a) Whenever any Federal agency finds, or
9 is made aware by an appropriate historical or archeological
10 authority, that its operation in connection with any Federal,
11 federally assisted, or federally licensed project, activity, or
12 program adversely affects or may adversely affect significant
13 scientific, prehistorical, historical, or archeological data, such
14 agency shall notify the Secretary, in writing, and shall pro-
15 vide the Secretary with appropriate information concerning
16 the project, program, or activity. Such agency (1) may re-
17 quest the Secretary to undertake the recovery, protection, and
18 preservation of such data (including preliminary survey, or
19 other investigation as needed, and analysis and publication of
20 the reports resulting from such investigation), or (2) may,
21 with funds appropriated for such project, program, or activity,
22 undertake the activities referred to in clause (1). Copies of
23 reports of any investigations made pursuant to clause (2)
24 shall be made available to the Secretary.

25 "(b) The Secretary, upon notification by any such

1 agency or by any other Federal or State agency or appropri-
2 ate historical or archeological authority that scientific, pre-
3 historical, historical, or archeological data is or may be ad-
4 versely affected by any Federal, federally assisted, or feder-
5 ally, licensed project, activity, or program, shall, if he
6 determines that such data is being or may be adversely af-
7 fected, and after reasonable notice to the agency responsible
8 for such project, activity, or program, conduct or cause to be
9 conducted a survey and other investigation of the areas which
10 are or may be affected and recover and preserve such data
11 (including analysis and publication) which, in his opinion are
12 not being but should be recovered and preserved in the pub-
13 lic interest. The Secretary shall initiate action within sixty
14 days of notification to him by an agency pursuant to subsec-
15 tion (a), and within such time as may be agreed upon with
16 the head of the responsible agency in all other cases. The
17 responsible agency upon request of the Secretary is hereby
18 authorized to assist the Secretary and to transfer to the Sec-
19 retary such funds as may be necessary, in an amount not to
20 exceed one per centum of the total amount appropriated for
21 such project, activity, or program, to enable the Secretary to
22 conduct such survey or other investigation and recover and
23 preserve such data (including analysis and publication) or,
24 in the case of small projects which cause extensive scientific,
25 prehistorical, historical, or archeological damage, such larger

1 amount as may be mutually agreed upon by the Secretary
2 and the responsible Federal agency as being necessary to
3 effect adequate protection and recovery: *Provided*, That the
4 costs of such survey, recovery, analysis, and publication shall
5 be considered project costs allocated to the several project
6 purposes. An appropriate share, as determined by the respon-
7 sible Federal agency, of the costs of survey, recovery, analy-
8 sis, and publication shall be borne by the grantee in the case
9 of projects, activities, or programs funded under Federal
10 grant-in-aid programs.

11 “(c) The Secretary shall keep the responsible agency
12 notified at all times of the progress of any survey or other
13 investigation made under this Act, or of any work under-
14 taken as a result of such survey, in order that there will be
15 as little disruption or delay as possible in the carrying out
16 of the functions of such agency.

17 “(d) A survey or other investigation similar to that
18 provided for by subsection (b) of this section and the work
19 required to be performed as a result thereof shall so far as
20 practicable also be undertaken in connection with any dam,
21 project, activity, or program which has been heretofore
22 authorized by any agency of the United States, by any
23 private person or corporation holding a license issued by any
24 such agency, or by Federal law.

25 “(e) The Secretary shall consult with any interested

1 Federal and State agencies, educational and scientific orga-
2 nizations, and private institutions and qualified individuals,
3 with a view to determining the ownership of and the most
4 appropriate repository for any relics and specimens recov-
5 ered as a result of any work performed as provided for in
6 this section.

7 "SEC. 4. In the administration of this Act, the Secre-
8 tary may—

9 (1) accept and utilize funds transferred to him by
10 any Federal agency pursuant to this Act;

11 (2) enter into contracts or make cooperative agree-
12 ments with any Federal or State agency, any educa-
13 tional or scientific organization, or any institution, corpo-
14 ration, associations, or qualified individual;

15 (3) obtain the services of experts and consultants
16 or organizations thereof in accordance with section 3109
17 of title 5, United States Code; and

18 (4) accept and utilize funds made available for sal-
19 vage archeological purposes by any private person or
20 corporation.

21 "SEC. 5. There are hereby authorized to be appropriated
22 such sums as may be necessary to carry out the purposes of
23 this Act."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 9, 1971.

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

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 1245, a bill "To amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data".

We recommend the enactment of S. 1245.

The Act of June 27, 1960 (74 Stat. 220), provides that before any agency of the United States undertakes the construction of a dam, or issues a license for that purpose, it shall give written notice to the Secretary of the Interior. Upon receipt of such notice, the Secretary is directed to survey the affected area and ascertain whether historical and archeological data exist and should be preserved, and if, so, to collect and preserve such data. The Act authorizes the appropriation of such sums as may be necessary to carry out its purposes.

S. 1245 will amend the 1960 Act by re-enacting its major provisions, but with the following significant changes: (1) broadening the scope of activity that will give rise to a salvage program to include not only dam construction but any Federal, federally assisted, or federally licensed activity; (2) authorizing the Secretary to conduct a survey and salvage program upon notification not only by the instigating agency but upon notification by any other Federal or State agency or responsible private organization or individual; and (3) authorizing the instigating agency to expend program activity funds for recovery and preservation of data or, upon notice by the Secretary, to transfer to him up to one percent of the amount appropriated for the activity in order to enable the Secretary to conduct the survey and salvage required.

The Secretary of the Interior, under the 1960 Act through the National Park Service has spent approximately \$1 million per year on historical and archeological surveys and recovery of data located at proposed Federal or federally licensed dam and reservoir sites.

A major problem in conducting an adequate program of salvage archeology is the great increase in recent years of the number of small construction projects which are injurious to archeological values. Many of these are outgrowths of construction of major dams, and include such activities as landleveling and construction of irrigation systems. Others such as construction of roads and other developments on Indian lands, construction in connection with defense programs and there are also causing a greatly increased need for salvage archeology. Our present program attempts to respond to this need, as exemplified by budgeted items for miscellaneous small reservoirs in the Northeast Region, and landleveling in the Southeast and Midwest Regions. Just as the nature of these projects is different from the construction of major dams, however, the answer to the need for salvage archeology is not apparently best met by the traditional method of advance programing by the Service for individual projects.

For instance, the Soil Conservation Service is conducting activities affecting archeological values in its watershed program carried out under authority of the Watershed Protection and Flood Prevention Act (68 Stat. 666; 16 U.S.C. 1001), as amended. This Act authorizes Federal assistance to qualified local organizations to conserve and improve water and related resources in watersheds not exceeding 250,000 acres in size. By January 1968, 827 projects had been authorized. The projects are for the most part small, and involve Federal assistance to local organizations. Communication is difficult because of the quantity of small projects and minimal leadtime, thereby making advance salvage funding unsatisfactory. If the Soil Conservation Service were authorized to provide on an actual need basis at the time of construction, salvage activities could be directly responsive to the need for salvage caused by the current construction program.

Following are several instances from the Southwest Region where significant remains were destroyed by federally funded, sponsored, or licensed projects because there was neither authority nor sufficient leadtime given by the responsible agency, nor sufficient funds to accomplish the work on an emergency basis:

1. Phreatophyte clearing and related construction along the Gila River by the united efforts of the Bureau of Indian Affairs, Geological Survey, and the San Carlos Apache Tribe.

2. Construction of the Southwest International Airport, Fort Worth, Texas. Any archeological remains in this area are significant, and because of the immense land area involved, there was undoubtedly some loss. Paleontological re-

mains were salvaged by the Shuler Museum, SMU, through emergency funds provided by our Southwest Archeological Center.

3. Construction of roads and other features at Fort Bliss (and doubtless other military installations) has destroyed known sites of archeological significance.

4. Public Health Service—Bureau of Indian Affairs—White Mountain Apache Tribe housing project at Cedar Creek, Arizona. In this instance much of a large pueblo site was destroyed before salvage action could begin.

It appears, therefore, that there is a need to provide a more flexible basis for conducting surveys and recovery of data than is afforded by the notice procedures, applicable only to dam and reservoir construction, of the 1960 Act. By (1) broadening the Federal activity subject to survey, (2) allowing the Secretary to act on information furnished by other public and private agencies, and (3) permitting the instigating agency to transfer funds, up to one percent of the total appropriated, on the basis of need, we believe S. 1245 will greatly assist in our ability to recover significant historical and archeological data.

If the contemplated program is to be effective, the funds required for the protective activities should be available in advance of any construction activities. Generally speaking, appropriations for a project are spread out over a period of years. We intend, to the extent possible, to request appropriation of the full amount authorized for the recovery, protection, and preservation of the data prior to initiation of the project. To the extent that other agencies may ask this Department to recover and preserve the data, we would expect them to request the full amount authorized in their appropriations so that the funds may be transferred promptly.

Of course, under the terms of S. 1245, project construction agencies may prefer to undertake salvage work themselves, without transferring funds to this Department. For example, agencies of the Department of Agriculture might choose this course. We would hope, however, that in so doing, other such agencies would program salvage funds well in advance of construction activities.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL REED,
Assistant Secretary of the Interior.

DEPARTMENT OF THE ARMY,
Washington, D.C., June 17, 1971.

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

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Secretary of Defense on S. 1245, 92d Congress, a bill "To amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data." The Department of the Army has been assigned responsibility for reporting on this bill.

The Act of June 27, 1960 (74 Stat. 220), which the bill would amend, provides for the salvage of historical and archeological remains being flooded or destroyed by dams constructed or licensed by the Federal Government. It requires that, before any agency of the United States undertakes or issues a license for the construction of a dam, it must give written notice to the Secretary of the Interior setting forth the site of the proposed dam and the approximate area to be flooded. The Secretary of the Interior is directed to conduct a survey of the area to be flooded to ascertain whether the area contains historical and archeological data which should be preserved, and if so, to perform work to collect and preserve the data. The Act provides for similar surveys and work in connection with any dam authorized prior to the date of enactment.

The bill would amend the Act by extending its coverage to all Federal, federally assisted, or federally licensed projects, activities and programs, and would authorize the agency involved to either expend its funds to recover and preserve archeological data or transfer funds to the Secretary of the Interior for this purpose. The funds authorized to be transferred could not exceed one percentum of the total amount appropriated in connection with the agency's project, activity or program. The bill would also require that the agency involved notify the Secretary of the Interior upon learning that its existing or proposed project, activity

or program affects, or may affect, adversely any significant scientific, prehistoric, historical or archeological data. The agency may then undertake the recovery and preservation of such data on its own or may request that the Secretary undertake the recovery and transfer funds to the Secretary up to one percentum of the total amount appropriated for the agency's project, activity or program. The bill would further authorize the Secretary to initiate a survey or investigation when the possible presence of such data is brought to his attention, and to recover and preserve that data if the responsible agency, after notice from the Secretary, does not take steps to so preserve such data in the public interest.

With regard to the bill's application to federally licensed projects, programs and activities, we interpret it as not applying to the permit authority of the Department of the Army. Under the Act of March 3, 1899 (33 U.S.C. 401 et seq), any dredging, filling, dumping, discharging, or erection of structures in navigable waters of the United States is prohibited unless authorized by the Secretary of the Army. No license, in the usual sense, is involved, but only a revocable permit. If this permit activity is intended to be covered by the bill, we feel that the permittee, and not this Department, should properly bear the cost of recovering and preserving archeological data as part of the cost of being allowed to perform work in the navigable waters of the United States.

Subject to the preceding comment, the Department of the Army has no objection to enactment of S. 1245.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

STANLEY R. RESOR,
Secretary of the Army.

OFFICE OF THE SECRETARY OF TRANSPORTATION,
Washington, D.C., June 16, 1971.

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

DEAR MR. CHAIRMAN: This is in response to your request for this Department's views on S. 1245, a bill, "To amend the Act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data."

The Department of Transportation endorses the purposes and objectives of S. 1245. Indeed, our Federal Highway Administration now maintains a program of archeological and paleontological salvage as authorized by 23 U.S.C. 305. Under this program, when a projected highway will pass through an area which may contain historical objects, the appropriate Federal or State authority can be advised of the proposed location of the highway so as to enable such authority to determine the likelihood of the highway construction destroying historical objects. Even when objects are not discovered until construction has begun, construction can be halted, appropriate authorities notified, and steps taken to excavate and preserve the objects. If preservation is not practicable, data concerning the objects can be recorded. Archeological surveys are considered part of the costs for the projects and are eligible for Federal-aid reimbursement. Similarly, the cost of excavation or recordation of data is eligible for Federal-aid participation.

As we understand S. 1245, an agency could use project funds for its own efforts in the recovery, protection, and preservation of data, or it shall notify the Secretary of the Interior and transfer to him, except in specified instances, not to exceed one per centum of project funds so that he may conduct such activities. We note this authority is permissive and would not require that Federal-aid highway funds or the funds of any other program administered by this Department be transferred to the Secretary of the Interior for this purpose.

The Office of Management and Budget states that there is no objection to the submission of this report to the Committee.

Sincerely,

J. THOMAS TIDD,
Acting General Counsel.

Senator BIBLE. Senator Anderson?
Senator ANDERSON. I have no questions.
Senator BIBLE. Senator Moss?

Senator Moss. Thank you, Mr. Chairman. I just want to say a word or two. I must preside at another hearing and I will have to be excused, but I was anxious to be here at the opening of this hearing on S. 1245. It is similar to a bill that I had before the Congress in the last session and this one has been updated and it seems to me is a bill that we have reviewed very fully. The fact that more than 32 Senators have joined as cosponsors indicates that there is a general feeling that there is a need for a bill of this sort. For more than 20 years, we have had the requirement that in building dams, we make an effort to identify and preserve archeological, historical, and scientific data. This bill simply expands that requirement to any alteration of the terrain through any federally or federally assisted program or federally licensed program, and the recovery to be financed, as the chairman pointed out in his opening remarks, with a small portion of the appropriated funds for archeological work prior to the start of the project.

I wanted also to say a word about the committee, the executive committee of the Society for American Archeology and the Committee on the Recovery of Archeological Remains. These committees and the members of these committees have done a really remarkable and intensive job in working on the legislation. Several of them are here today who will testify before the committee. They have spent hours consulting with administrative officials in the Government, working out the details, and I think the machinery they finally hammered out here as shown in this bill meets the objections that were raised initially before the administrative agencies and this is a practical and workable way to meet the objectives that we have.

The bill is basically a conservation measure. Its enactment will help us to protect and recover one of America's greatest nonrenewable resources, the evidence of our past. I, of course, will not take time to describe the bill, since that will be done very capably by Dr. McGimsey, Dr. Chapman, Dr. MacNeish, and others who will testify here before us.

I might point out that there is a companion bill that has been introduced in the House by Congressman Charles Bennett of Florida. I am hoping that we can move this matter along at an early point because of its great importance and its rather universal acceptance now.

I do appreciate your setting the hearing for today, Mr. Chairman, to get this matter moving, and I want to indicate my full support of the bill and my appreciation to those who will testify before us.

I ask that the full text of this rather short statement be included in the record.

Senator BIBLE. Without objection. That will be in order. I understand your prior committee commitments and I am very happy that you are able to come here for these few minutes today.

Senator Moss. Thank you.

(The statement referred to follows:)

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

For more than twenty years the National Park Service has maintained a program of cooperative agreements with state and local institutions for the recovery of scientific or archeological data which might be lost through the flooding of the terrain by dams constructed by the Federal government. This limited program has been rather successful.

The bill before us today builds upon that successful program and expands it to make it more effective. It provides for the protection and recovery of scientific, prehistorical, historical and archeological data which might be affected through *any* alteration of the terrain through *any* Federal, Federally-assisted or Federally-licensed program or activity. The recovery program would be financed by transfer to the Secretary of the Interior a small portion of appropriated program funds for archeological work prior to the start of the Federal project. It is cosponsored by 32 other members, Senators Bayh, Bible, Boggs, Brock, Church, Cranston, Curtis, Fannin, Fong, Fulbright, Goldwater, Gravel, Harris, Hartke, Hatfield, Jackson, Javits, Jordan (Idaho), Kennedy, McClellan, McGee, Metcalf, Mondale, Montoya, Muskie, Nelson, Pell, Percy, Stevenson, Thurmond, Tunney, and Williams.

The need for passage of S. 1245 is obvious. Without it, many archeological sites may be damaged or destroyed within the next twenty-five years as various Federal projects are authorized and put into effect.

The bill was proposed and has been developed by the Executive Committee of the Society for American Archeology and the Committee on the Recovery of Archeological Remains. Members of this committee, notably Dr. Charles R. McGimsey, Director of the Arkansas Archeological Survey, and Dr. Carl H. Chapman, Director of the Archeological Research Activities of the University of Missouri have spent many hours consulting with administrative officials working out the details of this bill. They feel that machinery which they have finally evolved meets all the objections raised by the administrative agencies, and that it is practical and workable and surely its objectives are completely non-controversial.

The bill is basically a conservation measure. Its enactment will help us protect and recover one of America's great non-renewable resources—the evidence of the past.

I shall not take time to describe the mechanics of the legislation, nor to explain in any detail what its overall effects will be. Dr. McGimsey and Dr. Chapman are here together with Dr. Richard S. Mac Neish, President of the Society for American Archeology and Dr. Robert L. Stephenson, Director of Archeology and Anthropology at the University of South Carolina. They will make the case for the bill, and I know that the subcommittee will find the testimony offered most complete and will receive complete answers to any questions which any member may have.

The House bill (H.R. 6257), companion to S. 1245, is sponsored by Congressman Charles E. Bennett of Florida.

Senator BIBLE. The first witness this morning is the Acting Director of the Park Service, Mr. Flynn. The witness list shows he is accompanied by Mr. Harold S. Trimmer, Jr., Assistant Administrator, General Services Administration.

Is that correct?

Apparently he is not here. You go ahead, Mr. Flynn.

STATEMENT OF THOMAS F. FLYNN, ACTING DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY DR. ERNEST CONNALLY, CHIEF, OFFICE OF HISTORY AND ARCHEOLOGY; MIKE LAMBE, CHIEF, DIVISION OF LEGISLATION AND DR. JOHN M. CORBETT, CHIEF ARCHEOLOGIST, NATIONAL PARK SERVICE

Mr. FLYNN. Mr. Chairman, with your permission, I would like to have Dr. Ernest Connally, who is Chief of our Office of History and Archeology, and Mr. Mike Lambe, who is Chief of our Division of Legislation, accompany me.

Senator BIBLE. Very well. I know both gentlemen quite well. They will be shown as accompanying you. You may proceed.

Mr. FLYNN. Mr. Chairman, as indicated in our departmental report to your committee, we recommend the enactment of S. 1245.

This bill would amend a 1960 law under which the National Park

Service now conducts archeological salvage programs at reservoir construction sites.

Under the 1960 law, Federal agencies responsible for dam construction or for issuing licenses for dams are required to notify the Secretary of the Interior before starting construction or issuing the license. Upon receiving such notice, the law directs the Secretary to survey the affected area to determine whether historical and archeological data exist and should be preserved. If so, the Secretary is authorized to collect and preserve the data.

The 1960 law has two basic limitations: (1) It covers only reservoir construction projects; and (2) it does not, in the view of the construction agencies, permit construction agencies to use project funds for archeological salvage work.

As amended by S. 1245, the 1960 law will be broadened in three ways:

First, it will cover all Federal or federally assisted or authorized construction projects, rather than only damsites. Thus, for example, before construction is begun on a major airport where significant archeological relics or historical structures may exist, an opportunity would exist to survey and recover data and specimens. Roads, public housing projects, and other construction which results in alteration of the terrain would all be covered.

It is well to note at this time that the bill is so drafted to preclude unnecessary delay in construction. Section 3(b) of the bill directs the Secretary to begin survey and recovery work at such time as may be agreed upon with the construction agency. In addition, section 3(c) states that "there will be as little disruption or delay as possible in the carrying out of the functions of such agency."

The second way in which S. 1245 would broaden the 1960 law is that it permits the Secretary of the Interior to begin survey and recovery work based on information he receives from qualified professionals from outside the Federal Government such as universities, historical and archeological societies, and State archeological surveys. Thus, if the Secretary were notified by the Department of Anthropology at Utah State University, for example, that planned construction of an airport, with matching Federal funds, may adversely affect an archeological site, the Secretary would give reasonable notice to the construction agency. Thereafter, he could make a survey and recover any significant data in accordance with the mutual agreement of the Secretary and the construction agency.

The third major effect of S. 1245 is to authorize construction agencies to use or transfer up to 1 percent of funds appropriated for a project to the Secretary of the Interior for survey and salvage work. At present, construction agencies such as the Corps of Engineers are of the opinion that funds appropriated for project purposes may not be transferred to the Secretary for archeological salvage work. Under S. 1245, the construction agency would be authorized to do the work itself with project funds, or to transfer up to 1 percent (or more in the case of small projects) to the Secretary for that purpose.

We believe this provision of S. 1245 is very important, since it properly attributes the cost of salvage work to the project that makes the work necessary.

The changes in existing law that would be brought about through the enactment of S. 1245 would result in an increase in costs. However, the actual cost increases cannot be estimated because there is no way to predict either the number of project sites that would have to be surveyed or the extent of recovery measures needed for each site that may be brought to our attention.

On a program basis, the National Park Service spends approximately \$1.2 million annually for salvage work on reservoir projects alone under the existing 1960 law. With the construction activities of other agencies included in the program, as would be the case under S. 1245, it is expected that the amount needed for this program will increase to approximately \$6.5 million within 5 years. This would require additional staffing of 10 man-years.

This concludes my prepared statement, Mr. Chairman. I will be happy to answer any questions that you and the members of the committee may have.

Senator BIBLE. Senator Anderson.

Senator ANDERSON. How long has it been that you have had this authority for the dams and construction, over how many years?

Mr. FLYNN. How many years have we conducted archeological studies at dams?

Since 1960?

Senator BIBLE. The question is for how many years have you conducted studies—

Mr. FLYNN. Since 1960.

Senator ANDERSON. Are you sure that is right? I think it is much longer than that.

Mr. FLYNN. Dr. Connally informs me that we have been doing this particular program under the 1960 act. There might have been other authority before that, sir, by which we conducted archeological studies.

Senator BIBLE. I think it is a very proper question. My impression was that you had been doing this work for many, many years on dams and the Corps of Engineers had been doing it for many years before that. I think it was by direct appropriation, but I certainly think it was before 1960. I believe. Could anybody throw any light on that?

Dr. CORBETT. Since 1946, sir.

Senator BIBLE. That sounds more like it.

One thing about this great chairman of ours, Senator Anderson, he has an infallible memory. You said 1946. Now we are back to the track.

Senator ANDERSON. Is there any evidence that you have a wide-open thing here, 1 percent for 20 years?

Mr. FLYNN. Up to 1 percent.

Senator ANDERSON. What do you estimate the costs will be for the next year or two?

Mr. FLYNN. We estimate that by a 5-year period, the costs will increase about \$5 million.

Senator BIBLE. Is that on an annual basis?

Mr. FLYNN. Yes.

Senator BIBLE. I think in honesty, that would be a pretty tough figure to project, because I do not know how many Corps of Engineers' projects, airports or dams that tear up ground will be built. I do not know how you arrive at that figure. Can you give us an idea how you

arrived at that top figure? Do you coordinate that with Corps of Engineers work or Bureau of Reclamation? Do you ask how many dams are you going to put in, how much other type of construction, or where are you next going to tear up the earth? Do you take it up with the airport authorities?

Dr. CONNALLY. Mr. Chairman, we are in touch every year with about 24 Government agencies.

Senator BIBLE. Why do you not name them so we will have an idea of the scope of the archeological work. Certainly you take it up with the Bureau of Reclamation, and with the Corps of Engineers.

Dr. CONNALLY. Yes.

Senator BIBLE. You take it up in your own example, with the FAA.

Dr. CONNALLY. We have a list of them, Mr. Chairman. I can read some examples, if you would like.

Senator BIBLE. Why not read a few and the full list will be put in the record?

Dr. CONNALLY. The U.S. Navy, Department of Defense; U.S. Forest Service, Department of Agriculture; Atomic Energy Commission; Corps of Engineers; General Services Administration; Department of Housing and Urban Development; Fish and Wildlife Service, Department of the Interior; Bureau of Indian Affairs and Bureau of Land Management of Interior; Bureau of Mines, Bureau of Reclamation; National Science Foundation; Tennessee Valley Authority; Bureau of Public Roads; U.S. Coast Guard; Airforce; Bureau of Prisons.

Senator BIBLE. Yes, without objection the full list will be placed in the record at this point.

(The document referred to follows:)

COOPERATING GOVERNMENT AGENCIES

U.S. Navy, Department of Defense.

U.S. Forest Service, Department of Agriculture.

U.S. Soil Conservation Service, Department of Agriculture.

Atomic Energy Commission.

Corps of Engineers.

Endowment for the Arts.

Endowment for the Humanities.

Federal Power Commission.

General Services Administration.

Department of Housing and Urban Development.

Fish and Wildlife Service, Department of the Interior.

Geological Survey, Department of the Interior.

Bureau of Indian Affairs, Department of the Interior.

Bureau of Land Management, Department of the Interior.

Bureau of Mines, Department of the Interior.

Bureau of Reclamation, Department of the Interior.

Bureau of Sport Fisheries and Wildlife, Department of the Interior.

National Science Foundation.

Smithsonian Institution.

Tennessee Valley Authority.

Bureau of Public Roads, Department of Transportation.

U.S. Coast Guard, Department of Defense.

U.S. Airforce, Department of Defense.

Bureau of Prisons, Department of Justice.

NON-FEDERAL COOPERATORS

University of Alabama.	University of Arizona.
Alaska Methodist University.	Yale University.
University of Alaska.	Catholic University of America.
Prescott College.	Florida Atlantic University.
Northern Arizona University.	Florida State University.
University of Arkansas.	St. Johns River Junior College.
California State College at Long Beach.	University of Florida.
Sacramento State College.	University of Miami.
San Francisco State College.	University of Georgia.
San Jose State College.	Idaho State University.
Sonoma State College.	University of Idaho.
College of the Sequoias.	Loyola University (Chicago).
University of California, Berkeley.	Southern Illinois University.
University of California, Davis.	University of Illinois.
University of California, Los Angeles.	Indiana University.
University of California, San Diego.	Iowa State University.
University of California,	University of Iowa.
Santa Barbara.	University of Kansas.
University of Southern California.	University of Kentucky.
Colorado State University.	Louisiana State University.
Trinidad State Junior College.	University of Louisville.
University of Colorado.	University of Maine.
University of Denver.	Johns Hopkins University.

Senator ANDERSON. Are not some of these people doing this same work now?

Dr. CONNALLY. Yes, some of them do the same work. That is, some other agencies conduct archeological investigations of their own.

Senator ANDERSON. Do they transfer during the course of this work to you to the Department of Interior, regardless? I am just wondering, are you doing this in addition to what other people did, or do you have additional authority?

Senator BIBLE. The question is are not other agencies—such as the Smithsonian, Bureau of Indian Affairs—do they not do some archeological work, and if this bill is enacted—AEC is a good example on which the chairman has great authority—do you transfer functions formerly performed by AEC or Smithsonian or Forest Service or Bureau of Indian Affairs—is that transferred under this bill to the Park Service in the Department of the Interior?

Dr. CONNALLY. No, sir, it does not affect their authority. This bill is permissive.

Senator BIBLE. I would think probably the logical question there is will you not get some overlap? You will be doing some archeological work, Smithsonian will be doing some, AEC will be doing some. They will all be dipping into the archeological field. Is that true or is it not true?

Dr. CONNALLY. Mr. Chairman, yes, that is true, that they will be doing the work related to their construction projects. There could, of course, be a unified program. We already conduct one interagency archeological program which you are acquainted with, Mr. Chairman.

Senator ANDERSON. Geological groups are in here also. Do they not have responsibility for this work?

Senator BIBLE. Does not the Geological Survey right today have responsibility? They do a lot of work that affects the ground and they make diggings in various locations. If they find something that is archeologically valuable, do they not go ahead and do that work themselves right now, right today?

Dr. CONNALLY. Mr. Chairman, I am not acquainted with what the Geological Survey does. I do not think they do the work directly themselves. They would do it, if they did, under contract with an institution.

Senator BIBLE. What if they find evidence of a prehistoric animal on their site, in testing for underground water; they find some old skeletons or bones there. What do they do? Whom do they go to? Maybe this is something that is tremendously valuable archeologically. What do they do once they make that find? Whom do they report it to?

Dr. CONNALLY. I am sorry, Mr. Chairman, I am not acquainted specifically with the bureau you mentioned, but other agencies come to the National Park Service when they have had surveys made that indicate there will be archeological remains on the ground that will be modified. We are informed and a recovery project can then be put in our regular program. In some instances in the past, funds have been transferred for that purpose.

Senator BIBLE. Well, I do not know that that answer is particularly responsive, in complete honesty. Why not identify this next witness and maybe then we will have an answer to the question. You certainly understand the question. Who reports to whom?

Mr. FLYNN. This is Dr. John Corbett, who is our Chief Archeologist.

Senator BIBLE. Maybe we have the right man. Why not put the man at the front table, the Chief of the Archeological Division, National Park Service.

Identify yourself?

Dr. CORBETT. I am John M. Corbett, Chief Archeologist with the National Park Service.

Sir, the U.S. Geological Survey does not conduct archeological work. They do conduct paleontological investigations.

Senator BIBLE. Make the distinction between archeological work and—the other—paleontological?

Dr. CORBETT. Archeology deals with human remains, sir, and paleontology deals with fossil animals. There is usually a great age distinction. We find paleontological remains sometimes many millions of years old where as human remains are thousands of years old.

Senator BIBLE. Are you saying if USGS is doing work underground and they run into what appears to be evidence of some prehistoric man—who does the work there?

Dr. CORBETT. If they ran into an evidence of a prehistoric man, they would bring it to our attention.

Senator BIBLE. They would bring it to the attention of the National Park Service?

Dr. CORBETT. I believe they would, sir.

Senator BIBLE. And if they run into what appears to be a prehistoric animal, where do they go there?

Dr. CORBETT. They go to their own people. They have paleontologists on their staff.

Senator BIBLE. Oh, they have paleontologists within the USGS?

Dr. CORBETT. Yes.

Senator BIBLE. I see. How does this bill affect that?

Dr. CORBETT. It does not, sir.

Senator BIBLE. It would still operate just the same way?

Dr. CORBETT. That is right, sir.

Senator BIBLE. All right.

Senator ANDERSON. I just want to be sure that this is clear all the way through. A Folsom man was discovered up in the northeastern part of Minnesota. Do archeologist rush in there and talk about it?

Dr. CORBETT. This is right, sir, there are times when there is an area of overlap between geologists and archeologists. As animals were first becoming extinct and man was coming into this country, there is sometime there in which there is overlap, when archeologists find not only human remains, but remains of extinct animals.

Senator ANDERSON. I have no further questions, but I want to be very sure that they specify that this does not apply to certain areas that are now covered very well.

Senator BIBLE. Senator Anderson knows more about AEC than any man alive. When they get into areas where they might have some archeological or paleontological significance, what does the AEC do?

Dr. CORBETT. Normally, sir, they have brought this matter to our attention.

Senator BIBLE. They bring it to your attention providing it appears to be the bones or fragments of a human being. But if it were the bones or fragments of an animal or a bird, whom do they take it to?

Dr. CORBETT. They normally bring the matter to our attention and in turn, we would refer it to a competent geologist or paleontologist.

Senator BIBLE. Do you have paleontologists within your own area?

Dr. CORBETT. Not as such in the archeology division. We do have one in the Park Service.

Senator BIBLE. Do you take it to paleontologists or to Smithsonian? How many paleontologists do we have in Government?

Dr. CORBETT. I do not know, sir.

Senator BIBLE. I do not suppose anybody in Government does. You might ask that of the Budget Bureau, because I suppose you have these men scattered all over. I am not saying that there is anything wrong with it. What I am trying for, and what Senator Anderson is driving at, I am sure, is that he does not want a complete overlapping like we have in so many bills that come before us where everybody wants to get a little piece of the action. This is a Las Vegas term, and means in this case that everybody is interested in the old bones of the old elephants, so we all want to take a look at them. What we are trying to do is avoid an overlap.

So can you throw any light on it? Somebody may ask me that question. I would like to be able to explain the situation and say the chief archeologist of the National Park Service said this, that, and the other.

Dr. CORBETT. Sir, this bill would allow the agency concerned to staff up and hire their own archeologists if they wish to do so or it would allow them to transfer those funds to the Secretary of the Interior to do the archeological work. There would not necessarily be an overlap, sir.

Senator BIBLE. Then if I understand you correctly, if the discoverer of the archeological remains is the AEC, the AEC would tell you about those remains, and then they would say, well, now, we will either do it ourselves or we will ask the National Park Service archeologist to do it. Does it work that way?

Dr. CORBETT. That is about the way it would work, sir.

Senator BIBLE. In your spare time and before we close the record, you might supply for the record, if you can—and I do not want you to make too big a project of it—I am just curious to know how many agencies

have archeologists and how many agencies have paleontologists, how many there are today on the Government payroll. We are not talking about the ones who are the cooperators. There are many fine schools in archeology and I am interested in the subject myself.

Dr. CORBETT. The Smithsonian Institution has archeologists. I am not sure how many.

Senator BIBLE. Why not make a summary of it? That is a pretty difficult figure to be carrying around in your mind all the time but I am just curious. You have piqued my curiosity. Why do you not find out from all the Federal agencies who have an interest in archeology or paleontology to furnish the total number of archeologists and total number of paleontologists that are on the Federal payroll? I am not suggesting there is anything wrong here. I just want to know the facts.

(The information referred to follows:)

PRACTICING ARCHEOLOGISTS AND PALEONTOLOGISTS EMPLOYED BY THE FEDERAL GOVERNMENT

	Archeologists	Paleontologists
Department of the Interior:		
Bureau of Land Management.....	1	40
Geological Survey.....	46	1
National Park Service.....	3	20
Department of Agriculture: Forest Service.....	5	
Smithsonian Institution.....		
Grand total.....	55	61

Senator BIBLE. The only other additional question I would have, as I understand that up to 1 percent of the total contract cost is more or less in the nature of set-aside and can be used for archeological exploration. I agree that you want to protect these archeological and paleontological wonders before they are covered up, but that 1 percent is a ceiling, isn't it?

Mr. FLYNN. It is up to 1 percent, sir.

Senator BIBLE. I do not have any idea how much money is spent. You say the ceiling, the best you can estimate, would be \$5 million in 1 year?

Mr. FLYNN. That would be the increase by the end of 5 years.

Senator BIBLE. At the end of 5 years, you think you would be spending \$5 million per year on this, is that what you are saying?

Mr. FLYNN. The total would be up to \$6.5 million at that point.

Senator BIBLE. Up to 6.5?

Mr. FLYNN. Yes, sir.

Senator BIBLE. Up to 6.5 within 5 years.

Mr. FLYNN. Yes.

Senator BIBLE. This will require an additional staffing of 10 man-years. How many archeologists do you have, Mr. Chief, today?

Dr. CORBETT. Thirty-nine, sir, engaged in these kinds of activities.

Senator BIBLE. Thirty-nine archeologists in the Park Service, today.

Dr. CORBETT. Engaged in this type of activity, sir.

Senator BIBLE. But are their paychecks Park Service checks?

Dr. CORBETT. I beg your pardon, I did not understand your question.

Senator BIBLE. Are they paid by the National Park Service?

Dr. CORBETT. Yes, sir.

Senator BIBLE. You want 10 more men—is that what this says?

Dr. CORBETT. That is right, sir.

Senator BIBLE. Well, that is a matter for the Appropriations Committee to consider.

What have the archeologists in the Park Service done in the past year? Give me a range of your activity. What have you worked on?

Dr. CORBETT. We have arranged and managed agreements with a number of institutions for salvage work in reservoir areas; we have conducted excavations in our own National Park Service areas. We have arranged for salvage operations or surveys on Bureau of Indian Affairs lands where construction activities are damaging Indian remains.

Here are some sample copies of reports, not from this past year but in prior years, demonstrating the type of salvage work that we have been carrying out.

Senator BIBLE. And you have how many people who are engaged either full or part time in this work? Again, what was that figure? Forty-nine, did you say?

Dr. CORBETT. Thirty-nine, sir.

Senator BIBLE. Thirty-nine?

Dr. CORBETT. Yes, sir.

Senator BIBLE. I think it is very important. I just want to know what they did. These are the ones that might overlap. Do they work in the field, are these archeologists actually out in the field?

Dr. CORBETT. I may have given you an erroneous figure, sir. I thought you were asking what our entire staff was. The number of archeologists is not 39. That includes clerk-stenos, museum specialists, cartographers, illustrators, photographers, and the necessary workers in the field.

Senator BIBLE. That is the total workers attached to this. I understand you have to have supporting personnel. How many archeologists are there in the National Park Service?

Dr. CORBETT. There are 20, sir; in salvage archeology.

Senator BIBLE. Senator Anderson is taking a look at this what appears to be a very fine document put out by, apparently, the Museum of North Arizona entitled "Surveys of Excavations North and East of Navaho Mountain, Utah, 1959-1962," some 10 years ago. A publication of Lindsay, Ambler, Stein, and Hobler.

Now, did the National Park Service participate in this at all?

Dr. CORBETT. We funded that project, sir.

Senator BIBLE. You funded it, and this is done by whom? Are these archeologists, these names that I just read?

Dr. CORBETT. Yes, sir; they were employed by the Museum of Northern Arizona at that time.

Senator BIBLE. I see, the Museum of Northern Arizona employed Lindsay, Ambler, Stein, and Hobler, and the National Park Service provided funds to produce this. What type of work did they do after they produced this document? Did they salvage the artifacts and display them in the North Arizona Museum, things of that kind?

Dr. CORBETT. Some of the artifacts are on display in the Museum of Northern Arizona. The rest are in storage there for studies if anyone cares to make them.

Senator BIBLE. That is what always worries me about these archeologists, and we have some coming up to testify. They dig up a lot of these bones and relics and put them in a great big museum. After they put them in the museum or warehouse or whatever, does anybody ever come and take a look at them?

Dr. CORBETT. Yes, sir, they are used in comparative studies. If you find one type of remain in one area and find a similar type of remain in another area, you want to study them to see if they are exactly similar, or dissimilar, and you date them.

Senator BIBLE. After they do all that, what do they do?

Dr. CORBETT. They are put back in storage again.

Senator BIBLE. What is the end result of having all these bones put in a warehouse or museum?

Dr. CORBETT. They are available for future generations, future students, who may have new and better techniques, unvisualized yet, by which they may analyze these materials and come to new conclusions of which we are unaware today.

For example, sir, 20 or 30 years ago, the dating of materials by carbon 14 was unknown and the methods by which we often preserved specimens rendered them unsuitable for use of carbon 14 today. We have a new technique and new way of preserving materials of that sort and a new method for dating. I expect in 20 or 30 years, another or new technique or device will come up that I cannot even imagine at this moment.

Senator BIBLE. Are archeologists able to tell en masse when man first inhabited the present United States of America?

Dr. CORBETT. This is a matter of dispute among the archeologists, sir.

Senator BIBLE. I am sure.

Dr. CORBETT. We can tell you to a degree. I cannot tell you when man first came into what is now the United States of America, but we know man was here in the United State of America at least 12 or 13 thousand years ago and very possibly more than that.

Senator BIBLE. How do you arrive at that conclusion? How do you know he was here 12 or 13 thousand years ago?

Dr. CORBETT. Through the carbon 14 dating method.

Senator BIBLE. Will you explain that to me in just simple language that I can understand as a layman? How do you know it was 13,000 years ago and not 10,000 years? That is a lot of years, come to think about it.

Dr. CORBETT. Every living substance has a certain amount of carbon 14 in it. At the time that living substance dies, the infusion or defusion of carbon 14 ceases. Carbon 14 has a half life, what we call a half life, of about 5,500 years. It steadily decreases over the years, half-by-half by half-by-half forever. By measuring the residue that is left of that substance, we can tell when it was alive within a statistical error. That is how we arrive at this date, sir.

Senator BIBLE. Well, I will take your word for it.

Do you have any question on that phase of our prehistoric man?

Senator ANDERSON. I just want to be very sure that we are not duplicating here. When the Atomic Energy Commission establishes an area out in the West, how do they generally age that, by tree rings?

Senator BIBLE. When the Atomic Energy has an area out West, how do they determine the age of that particular area? Do they do it by tree rings, was Senator Anderson's question?

Dr. CORBETT. That is another chronological method, dating through the use of tree rings, that is correct.

Did I answer the question, sir?

Senator ANDERSON. All right.

Senator BIBLE. Thank you very much, gentlemen. My gosh, when I go home over the weekend, I am going to read archeology. I always enjoy working with archeologists, because I am always confused.

I have decided I made an error. I do not want to hear these in tandem, because they are obviously two different problems. So we will first hear the archeological men and we will return, I think, to S. 1245, which has something on the building of historic monuments. It seems to me they are unrelated, at least for the record.

So our next witness will be Dr. Charles McGimsey, director of the Arkansas Archeological Survey.

We have four that are appearing. Are you appearing as a team or individually?

STATEMENT OF DR. CHARLES R. MCGIMSEY III, DIRECTOR, ARKANSAS ARCHEOLOGICAL SURVEY

Dr. McGIMSEY. We all have individual statements, sir, that we would like to make separate presentations.

Senator BIBLE. You may proceed, Doctor.

Dr. McGIMSEY. I am Dr. Charles R. McGimsey III, director of the Arkansas Archeological Survey. I am appearing in support of S. 1245.

The Nation presently is faced with a major crisis with respect to its archeological resources. Our heritage from the past lies buried in the ground where it has accumulated for thousands of years. For the great majority of that period, this resource lay largely undisturbed, 400 years of interaction (A.D. 1500-1900) between the native American cultures who were responsible for the country's more ancient past and the European-derived cultures upon which much of our present culture rests, saw the dissemination of the native Americans and the near-total destruction of much of their culture. The hundred years between A.D. 1900 and the year 2000 will see also the near-total destruction of the physical remains of the past of both cultures without any adequate record having been made, unless corrective action is taken now.

The last 25 years have seen the rate of land alteration, all of which destroys or adversely affects our archeological resources, increase at a staggering rate; the next 25 years will see this rate of destruction multiply many fold. While not every inch of ground will have been altered, a large proportion of it will have been, and there is no way to predict what portion will remain undisturbed; certainly there no longer will remain a large enough portion of the total range of history to enable archeologists of future generations to interpret adequately the past. It is for this reason that we are faced with the last opportunity to preserve, to recover, to protect, and to understand any meaningful portion of this Nation's long history. If we do not meet this need adequately, we will have deprived all future generations of any possibility of knowing and benefiting from the past, and without this knowledge, the future will be infinitely poorer. If this disaster is to be averted, archeologists, and the Federal, State, and private agencies through which they operate must develop new approaches to the problem of recovering and protecting our archeological resources. We cannot delay. Our children will not be able to preserve the past for their children, unless we preserve it for them.

The basic assumption of near-total destruction of our archeological resources within the next 25-50 years (and this assumption can be amply documented) demands that the problem of preserving this Nation's archeological record be approached on a national level. We no longer can afford the fragmented approach to salvage which developed as an emergency reaction to the increased rate of land alteration immediately subsequent to World War II. The need, rather, is for a problem-oriented nationwide program of archeological recovery and protection. Unless this is striven for immediately, the past will have no future.

The above is from a statement I read last month to the national meeting of the Society for American Archeology at Norman, Okla. I believe the bill presently under consideration (S. 1245) will be a major step toward Federal assurance that the past will have a future.

This legislation really began several years ago, when Dr. Corbett, whom you heard earlier this morning, of the National Park Service, and several archeologists from Missouri and Arkansas got together informally to discuss the problem of destruction of sites by land-leveling. This resulted in a few small cooperative agreements between the National Park Service and Missouri and Arkansas to investigate the nature and extent of the problem. The extent of the problem, when we discovered it, shook us to the core. In Arkansas, for example, we discovered that only 20,000 acres had been leveled in all the years prior to 1953, the year in which the Federal cost-sharing program for land leveling began. In the 14 years between then and 1967, the year of our survey, the Soil Conservation Service, which handles this program, stated that 783,879 acres had been leveled. This is, as a matter of fact, two-thirds of the levelable land in the State of Arkansas and Soil Conservation assures us that in the next 24 years, all levelable land will have been leveled. This is the reason for the sense of urgency which we feel.

There are, of course, other factors than Federal participation responsible for this increased leveling activity, such as the ready availability since World War II of heavy equipment, and a shift to irrigation farming in eastern Arkansas, but there would seem to be little reason to question that there is an almost 1-to-1 correlation between Federal cost sharing, and this vastly accelerated land-leveling activity, with the concomitant vastly accelerated destruction of archeological data.

In the Mississippi Alluvial Valley, the most popular location for Indian sites, were the natural river levees and other small eminences. These are precisely the places that are first leveled for purposes of irrigation, for rice farming, or often simply "to get rid of that high spot." This is anathema to many farmers for good economic reasons. Leveling of a natural levee serves effectively to obliterate the average Indian site located upon that levee. Even the larger sites are not immune; I stood by for a day and watched a team of three earth-moving pieces of equipment almost completely destroy a Mississippian period village several acres in extent and dating from around A.D. 1400 and underlain by a Woodland site which was probably occupied around A.D. 1000. One pass of an earthmover was seen to completely cross section horizontally an extended Indian burial; a few minutes later, the next pass obliterated the remainder. There were similar experiences with entire house patterns, and fire basins.

With proper planning and funding, the important information contained in this site could have been saved and recovered. I have with me some photographs of some of this earthmoving equipment and archeologists attempting to do some recovery work while this equipment is actually operating. This is no way to do archeology. With the provisions of the bill that we are presently considering, it would make possible sufficiently prior planning so that we would not have to work with these machines operating right at our elbow. I have done it and it is a rather terrifying experience.

Senator BIBLE. Those photographs may be made a part of the record. The staff will pick them up.

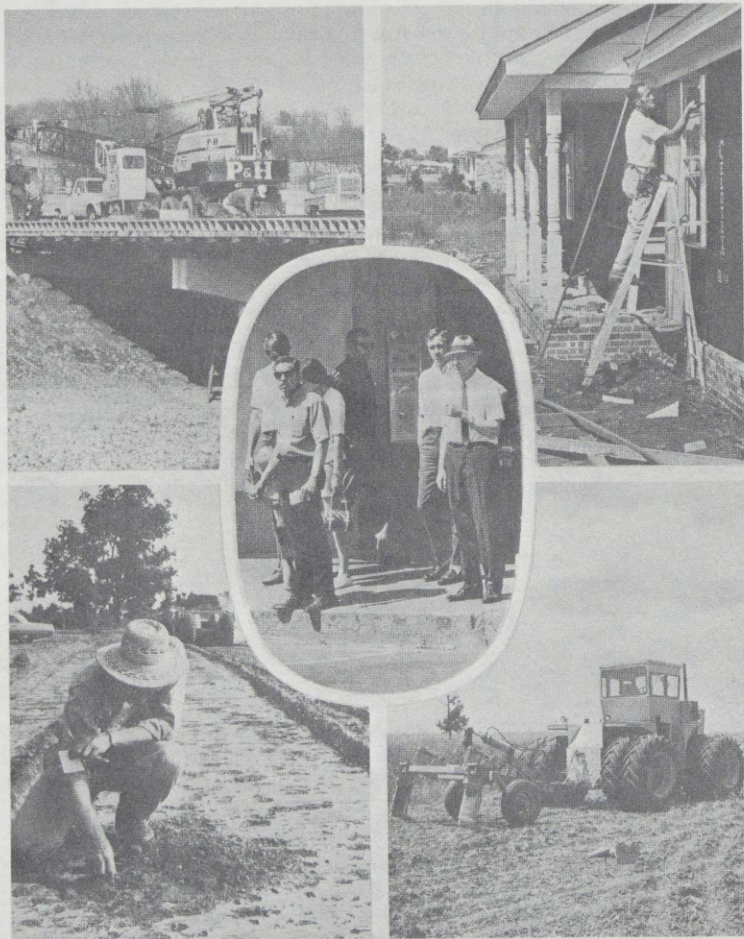
Dr. McGIMSEY. Our experience with land-leveling in Arkansas and Missouri caused Dr. Carl Chapman, director of American archeology at the University of Missouri, Hester Davis, Arkansas State archeologist, and Dr. J. B. Griffin, director of the University of Michigan Museum of Anthropology, and myself to inquire further. A series of conferences with the archeologists actively involved with research up and down the Mississippi Alluvial Valley, soon revealed that the problem was not associated solely with Missouri and Arkansas, nor was it one solely related to land leveling. Strip mining, other agricultural practices, urban sprawl, and other factors, all played their part, and nearly all were assisted in some manner by Federal programs.

From this our inquiry was extended nationwide and it rapidly became apparent that the problem was a national, not a State or regional one. For that reason it was felt that there was an urgent need to develop a solution on the national level. One element of this attempt was the development of a brochure which could be made available to the public to acquaint them with the problem, its urgency, and the fact that there was something that each person could do about it. Some 40,000 copies of this brochure, "Stewards of the Past," have been distributed to date. I have a copy here. I have copies available for the committee.

Senator BIBLE. I would like to see that as well.

These are the

STEWARDS



OF THE PAST

University of Missouri - Columbia

Extension Division

MP 122 1/70/40M

IF YOU OWN LAND OR OPERATE A BUSINESS AFFECTING LAND, you can determine whether there are any Indian sites or other locations of historic interest on your property. Should disturbances of any of these areas become necessary (by plowing, leveling, clearing, dozing, or whatever) then you can notify, as far in advance as possible, the nearest individual or agency trained to recover the threatened information. You also can endeavor to use your land in a manner which protects or causes the least possible disturbance of the site. A site preserved for future investigation can, in the long run, be of even greater ultimate importance than one which must be hastily excavated just prior to disturbance. You can protect a site from vandalism by others, or you can donate the site to an appropriate public agency and at the same time obtain a significant income tax deduction.

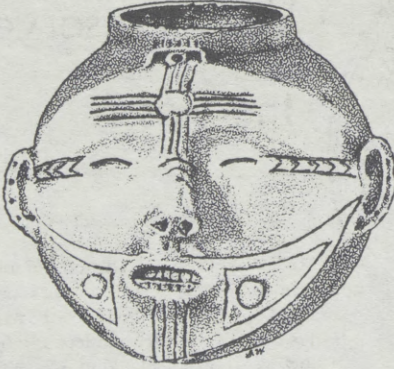
The first professional investigation of a Caddo Indian mound in west-central Arkansas was made possible because the landowner notified the University of Arkansas Museum nearly a year before he planned to level the mound. This advance notice enabled the Museum to schedule at least minimum excavations at the site. On shorter notice this would not have been possible.

Graham Cave in Missouri, one of the most important sites in the south-central United States, was investigated through the landowner's cooperation with the University of Missouri. It subsequently became a state park when the landowner donated the cave and adjacent land to the state.

*..... Nothing is less real, nor more
transitory, than the present
To face the future realistically we need
the experience of the past*

George B. Hartzog, Jr.
National Park Service

We Are All



STEWARDS OF THE PAST

EVERYONE alive today is a steward of the past. The choice is ours—whether we will preserve the manuscripts, objects, and other sources of information from which future generations may learn about those who preceded us—or whether, intentionally or through neglect, we will allow our heritage from the past to be destroyed. If *we* do not preserve this information, all future generations will have lost forever the *ability* to experience and profit fully from the past. We must exercise a stewardship over these resources with vigor and with a sense of urgency.

Much information about the past still lies buried in the ground awaiting investigation. But technical achievements over the past 50 years and the great increase in population have enabled us, in fact have forced us, to alter drastically much of the surface of the earth. The rate at which the landscape is being changed is ever-increasing and there is reason to believe that within another 50 years very little land in the United States will remain totally untouched. Some remnants of the past will survive, of course, but unless we take appropriate steps now, the scattered evidence which will remain will not be enough to permit scientists to recreate a full and meaningful picture.

We cannot postpone our responsibility. We cannot wait until it is more convenient or until there might be more funds from which to make appropriations, for *there is no more time*.



Why Preserve the Past?

AMERICANS have an unalterable faith in the future, a faith whose foundations lie in the past. Study of the past brings a more complete understanding of how we—how all Mankind—came to

be what we are today, and what the possibilities are for tomorrow. Furthermore, past adjustments to and use of the natural environment form a basis for determining proper future use.

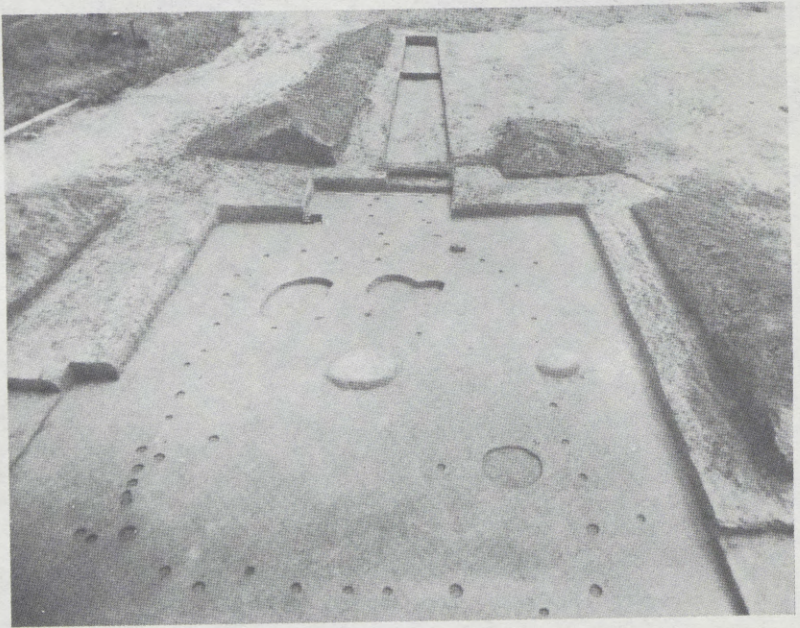
The Past Belongs to Everyone

Knowledge of the past is a part of everyone's basic heritage. Such knowledge is essential to understanding the present and preparing for the future. Availability of this knowledge can be viewed as one of the basic rights of each of us. Because this knowledge does belong to all, it should not be within the power of any individual or any organization to deprive everyone else of essential segments of that knowledge unless there are overriding public concerns—yet that is what happens when prehistoric or historic sites are destroyed without record and without adequate reason.

Often, of course, this destruction is not done deliberately or with malice, but simply because the bulldozer operator, or the farmer, or the engineer is not aware that he is destroying a portion of the past. Yet it lies largely within the power of the farmer, the industrialist, the contractor, and others who actually control or work the land, to destroy almost totally this basic heritage which belongs to everyone. They alone cannot be held responsible, for it is the responsibility of everyone to assist in preserving a reasonable portion of our common heritage. *Everyone is a Steward of the Past.*

A Non-Renewable Resource

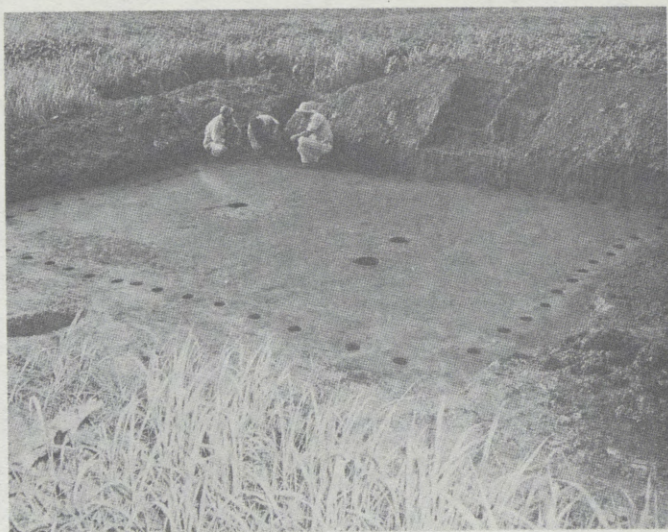
The principal source of information about prehistoric and most early historic settlement in this country is in the ground. Whenever there are no written sources, or when these sources are inadequate, we must rely on the objects which remain in the ground, and a knowledge of their exact location—their relationship to a house floor, to a storage pit, to a cemetery—to provide an adequate record. The objects themselves are important only because of what they can tell us about the activities of the people that made and used them. Almost any activity of man in the past that has disturbed the soil can now be detected in the earth by careful observation of changes in color, by chemical analysis, by differences in density and compactness of the soil, and by special photography. If these past soil changes are disturbed before they have been investigated, this evidence is lost.



Archeologists themselves disturb the ground as they dig, but through the use of special and detailed techniques they are able to record the information *before* they destroy it. Through careful and scientific excavation it is possible to learn of the achievements, the failures, and the knowledge of those who lived in this land before us. From the objects and other information in the ground, the past can be brought to life again and can become a part of the education of our children.

Whenever the ground is disturbed, information about the past may be destroyed forever. *It is not possible to grow a new Indian site!*









THE PRESENT EMERGENCY

PLOWING, leveling, construction, or other modification of the land has always been capable of

destroying information about the past; but it was not until recently, when machinery increased in size and capacity to dig deeper and faster, that the rate of destruction of archeological objects and information became of really serious concern. A mule-drawn plow or a dirt road built for horse and buggy travel did not disturb the earth to any great extent or to any great depth. Since the end of World War II, however, the rate of destruction of sites has increased manifold.

Early Efforts

Indians normally lived near water, and one of the first cries of alarm concerning massive and total destruction of archeological evidence came shortly after World War II with the construction of huge reservoirs on major waterways—reservoirs which flooded river valleys where hundreds of Indian and early White settlements had been located. The U. S. government recognized its responsibility in these Federally constructed reservoir projects, and, as the dams were being built, a small but determined army of archeologists spread over the future reservoir bottoms trying to salvage as much information as possible about the prehistoric inhabitants of the area before the land disappeared beneath the water. In construction of the interstate highway system, Federal funds were also provided to help salvage some of this irreplaceable information from sites that are located in the rights-of-ways across the country.

These efforts are no longer adequate.

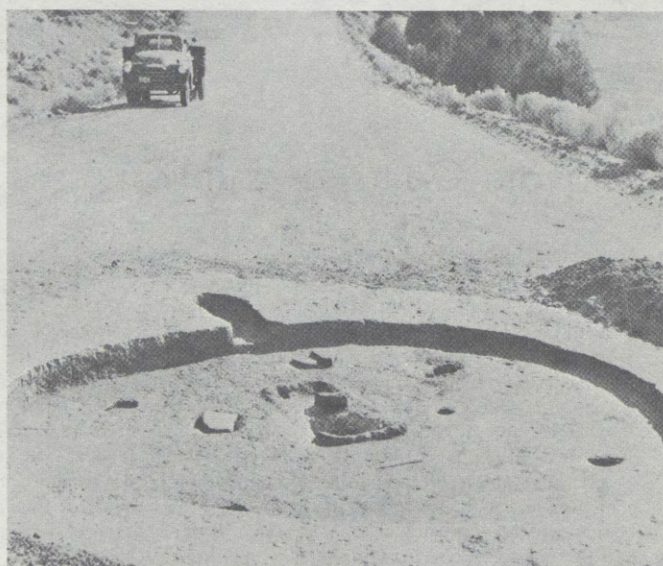
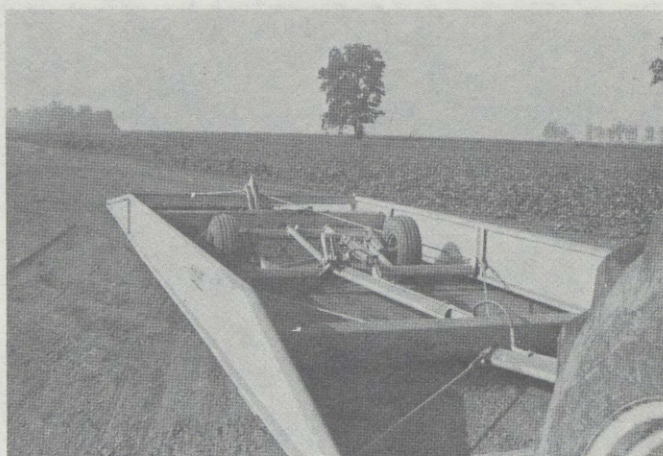
Destruction Is Increasing Everywhere

The present crisis lies in the extreme mechanization of all forms of agricultural and of construction activity: in land leveling and subsoiling in the Mississippi Alluvial Valley, in flood control work in the tributary basins, in urban sprawl, where housing developments are spreading far into what was countryside 10 years ago, in strip mining in the Midwest, in irrigation projects in the far west, in any and all of the many ways in which the land is now being altered. To cite one example, the Soil Conservation Service estimates that *all* levelable land in Arkansas will be leveled within the next 25 years. Two-fifths of it has been leveled—and that has been accomplished only within the past 10 years.

The crisis lies also in the unpredictability of much of the work which destroys the sites. It may take five or ten years to build a dam, so there is a known length of time in which to plan and to salvage the information which will be inundated by the reservoir. But a farmer may decide to plow his field with a subsoiler one day, and do so the next. A land developer may purchase and level 100 acres within a few weeks. In alluvial valleys the small ridges upon which the Indians lived and the earthen mounds which they built inhibit efficient use of large farm machinery, so they are leveled. Modern subsoilers can dig as far as 3 feet into the ground—far enough to churn up and destroy irrevocably the major portion of almost any Indian site which might be present.

The increase in the rate and amount of land alteration, and the fact that there is often so little time between when the work is planned and when it is accomplished, are the principal causes of the present emergency.







Private Gain — — Public Loss

One other type of destruction must also be mentioned—that of the relic collector. Just as lethal to an Indian site as a bulldozer is the person who digs for objects rather than for information. Every shovelful of earth he turns in his search for Indian artifacts destroys some of the story of the past. So zealous are some of these individuals that they have destroyed whole mounds and villages just as effectively as a huge machine. Yet an Indian pot or an arrow head, by itself, with no information as to where it came from or with what it was associated, is almost worthless in terms of telling us anything about the people who made and used that object. Digging or collecting without maintaining proper records—and the buying and selling of Indian artifacts which often provide the impetus for that activity—probably destroys as much of our heritage as do the reservoirs and highways.





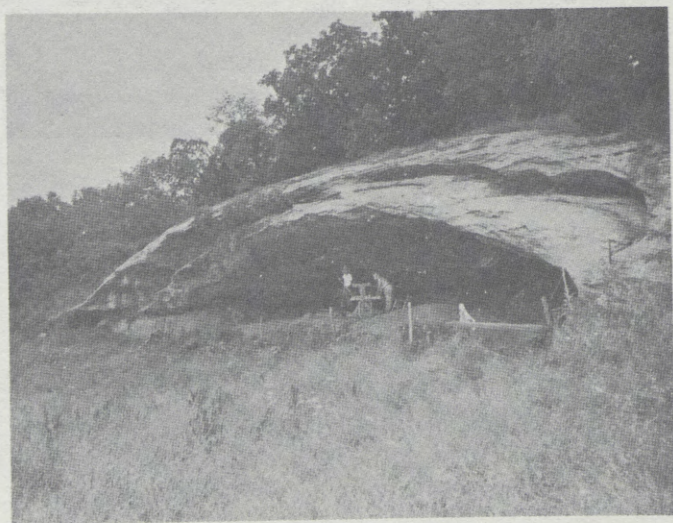
THE FUTURE OF THE PAST

THE FUTURE of the past depends in some measure upon each of us. While some individuals are

indeed destructive, there is an army of concerned citizens whose interest in and knowledge of the past makes them amateur archeologists. Without the aid of these and other interested individuals, the professionally trained archeologists and historians would have little hope of preserving an adequate portion of the record. What can be done?

Landowners

If you own land you can determine whether there are any Indian sites or other locations of historic interest on your property. If disturbances of any such area become necessary (by plowing, leveling, clearing, dozing, or whatever) then you can notify, as far in advance as possible, the nearest individual or agency trained to recover the threatened information. Insofar as feasible, you can endeavor to use your land in a manner which protects or causes the least possible disturbance of the site. A site preserved for future investigation can, in the long run, be of even greater ultimate importance than one which must be excavated hastily just prior to disturbance. You can also protect a site from vandalism by others, or you can donate





the site to an appropriate public agency and at the same time obtain a significant income tax deduction.

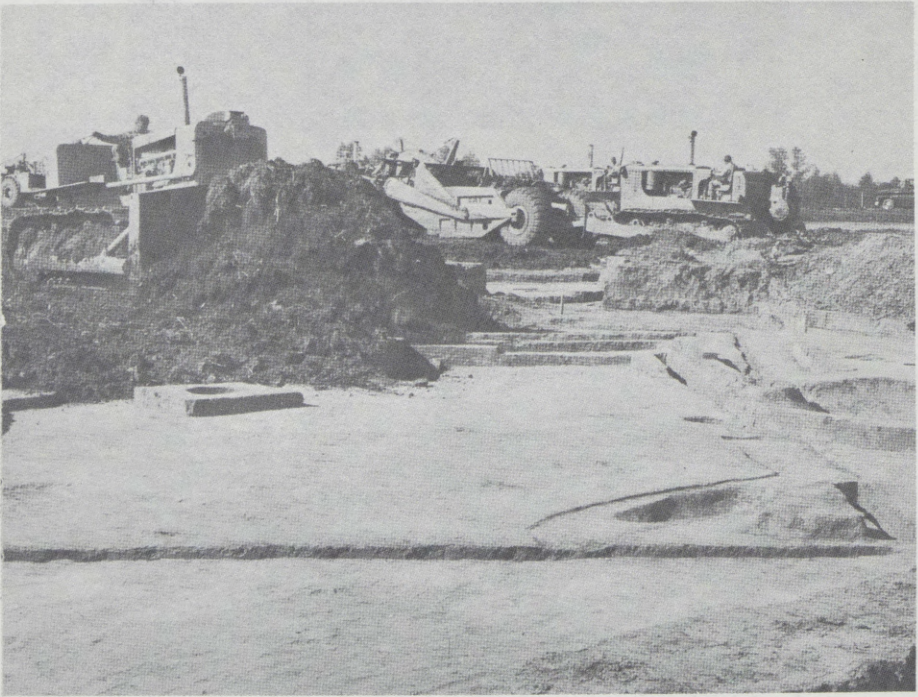
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Businessmen

Everyone who operates a business affecting land can take steps similar to those of individual landowners. Every site is of value. Although some have greater potential for contributing to our understanding of the past, this potential can best be determined by a trained archeologist. Many businesses have found it advantageous to make funds available for adequate investigation of sites affected by their operation.

The El Paso Natural Gas Company, among others, has employed archeologists to check out land to be affected by their pipeline excavations and then to excavate any sites discovered. They also have funded the analysis and publication of the results of these investigations.





Individuals

The individual who does not own land or is not directly responsible for altering the land surface can make a significant contribution, too. He may contribute funds to make possible the excavation or preservation of archeological sites. For several years the Alabama Archeological Society has conducted successful fund-raising drives to support archeological research in that state.

The individual may contribute his time and perhaps his specialized talents to archeological field surveys, excavations, and laboratory investigations. In every state there are individuals, often organized into groups, who spend long hours locating and recording archeological information and making this available to the public either through their own publications or by giving the information to the appropriate agency within the state. The concerned person may also alert others to the need to preserve a meaningful portion of the past, and he may encourage public and private efforts to recover and preserve the fast disappearing record.

In Missouri a state society was organized in 1934. It has been instrumental in recording over 8,000 sites. In Arkansas the state society was largely responsible for the establishment of the Arkansas Archeological Survey—a state agency which cooperates with all of the state institutions of higher learning in carrying out a coordinated, state-wide program of archeological research.



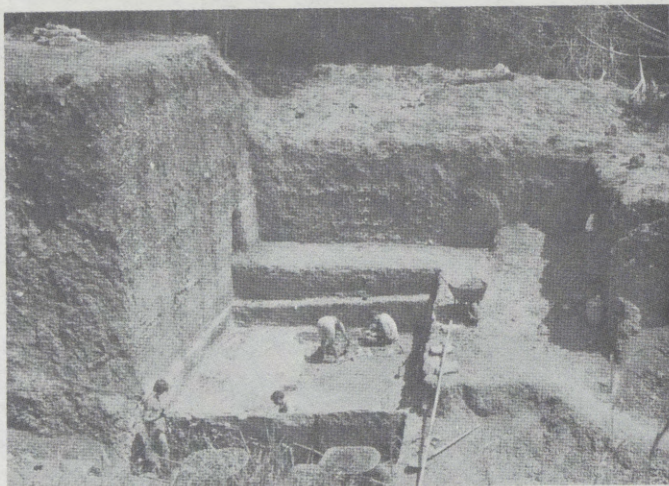


Everyone

The one way in which every individual may serve as a Steward of the Past is by actively supporting local, state, and Federal programs which accomplish this purpose.

The problem is too big for individual landowners, companies, or private institutions to meet alone. Publicly supported programs and agencies which represent the indirect contribution of everyone are essential if we are to accomplish the amount of research which is necessary in order to recover a significant amount of information before it is destroyed forever.

The future of the past depends upon each of us. If it is to have any future, each individual, in his own way, must be a force for its preservation, not a force contributing to its destruction. We who are alive today possess the *last opportunity* to save, preserve, or somehow record a meaningful portion of the long record of man's experience and achievements. Our children cannot preserve the past for their children unless we help preserve it for them. By tomorrow, yesterday will be gone.



This booklet is issued by the steering committee of the loosely and informally organized Mississippi Alluvial Valley Archeological Program (MAVAP), a group of concerned archeologists whose research interests lie mainly in the area of the Mississippi Alluvial Valley.

The steering committee, and, indeed, all those involved in MAVAP, found that the problems of destruction in the Mississippi Alluvial Valley are not unique—they are nationwide. The solutions to these problems, then, must be tackled on a nationwide basis. The purpose of this booklet is to draw attention to what should be the concern of every citizen.

Anyone wishing more information concerning this subject, or wishing to join forces with those working toward preservation of the past, or desiring copies of this booklet may write to any one of the members of the steering committee listed below:

Dr. Carl Chapman, Department of Anthropology, University of Missouri-Columbia

Dr. James B. Griffin, Museum of Anthropology, University of Michigan, Ann Arbor

Dr. William B. Haag, Department of Geography and Anthropology, Louisiana State University, Baton Rouge

Dr. Charles R. McGimsey III, Arkansas Archeological Survey, University of Arkansas, Fayetteville

Dr. Stephen Williams, Peabody Museum, Harvard University, Cambridge

The text for this booklet was prepared by Charles R. McGimsey III and Hester A. Davis of Arkansas Archeological Survey, and Carl Chapman, University of Missouri - Columbia.

If you make a discovery, notify one of the following:

ALABAMA

Department of Anthropology
Box 6136
University of Alabama
University, Alabama 35486

ALASKA

Department of Anthropology
Alaska Methodist University
Anchorage, Alaska 99504

ARIZONA

State Archeologist
Arizona State Museum
University of Arizona
Tucson, Arizona 85721

ARKANSAS

State Archeologist
Arkansas Archeological Survey
University of Arkansas Museum
Fayetteville, Arkansas 72701

CALIFORNIA

State Park Archeologist
Department of Parks and Recreation
P.O. Box 2390
Sacramento, California 95811

COLORADO

Department of Anthropology
University of Colorado
Boulder, Colorado 80302

CONNECTICUT

State Archaeologist
Jorgensen Avlitorium
University of Connecticut
Storrs, Connecticut 06268

DELAWARE

Delaware Archaeological Board
RD 2, Box 166A
Chestnut Grove Road
Dover, Delaware 19901

FLORIDA

State Archeologist
Bureau of Historic Sites & Properties
Department of State
The Capitol

Tallahassee, Florida 32304

GEORGIA

Department of Sociology & Anthropology
University of Georgia
Atlanta, Georgia 30601

HAWAII

State Archeologist
Department of Land & Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

IDAHO

Department of Anthropology
Idaho State University
Pocatello, Idaho 83201

ILLINOIS

Illinois Archaeological Survey
Department of Anthropology
Davenport Hall
University of Illinois
Urbana, Illinois 61801

INDIANA

Department of Anthropology
Rawles Hall 108
Indiana University
Bloomington, Indiana 47401

IOWA

Office of State Archeologist
129 S. Capitol
State University of Iowa
Iowa City, Iowa 52240

KANSAS

State Archeologist
Kansas State Historical Society
Topeka, Kansas 66603

KENTUCKY

Kentucky Archeological Survey
Department of Anthropology
University of Kentucky
Lexington, Kentucky 40506

LOUISIANA

Department of Geography and Anthro-
pology
Louisiana State University
Baton Rouge, Louisiana 70803

MAINE

Department of Anthropology
University of Maine
Orono, Maine 04473

MARYLAND

State Archeologist
Maryland Geological Survey
Latrobe Hall
Johns Hopkins University
Baltimore, Maryland 21218

MASSACHUSETTS

Bronson Museum
8 N. Maine Street
Attleboro, Massachusetts 02708

MICHIGAN

Museum of Anthropology
4011 Museums Building
University of Michigan
Ann Arbor, Michigan 48104

MINNESOTA

State Archeologist
Department of Anthropology
200 Ford Hall
University of Minnesota
Minneapolis, Minnesota 55455

MISSISSIPPI

State Archeologist
Mississippi Archaeological Survey
Department of Archives & History
Jackson, Mississippi 39201

MISSOURI

Director, Archaeological Survey
15 Switzler Hall
University of Missouri - Columbia
Columbia, Missouri 65201

MONTANA

Montana Statewide Archeological Survey
Department of Anthropology
University of Montana
Missoula, Montana 59801

NEBRASKA

Nebraska State Historical Society
Lincoln, Nebraska 68501

NEVADA

Nevada Archeological Survey
University of Nevada
Reno, Nevada 89507

NEW HAMPSHIRE

Department of Sociology-Anthropology
Franklin Pierce College
Rindge, New Hampshire 03461

NEW JERSEY

Bureau of Research-Archeology
New Jersey State Museum
Trenton, New Jersey 08625

NEW MEXICO

Division of Anthropology
Museum of New Mexico
P.O. Box 2087
Santa Fe, New Mexico 87501

NEW YORK

State Archeologist
Social Science 369
New York State Museum
Albany, New York 12203

NORTH CAROLINA

State Archeologist
Department of Anthropology
University of North Carolina
Chapel Hill, North Carolina 27514

NORTH DAKOTA

State Historical Society of North Dakota
Liberty Memorial Building
Bismarck, North Dakota 58501

OHIO

Division of Archaeology
The Ohio Historical Society
Columbus, Ohio 43210

OKLAHOMA

State Archaeologist
Oklahoma Archaeological Survey
1335 South Asp
University of Oklahoma
Norman, Oklahoma 73069

OREGON

Museum of Natural History
University of Oregon
Eugene, Oregon 97403

PENNSYLVANIA

State Archeologist
William Penn Memorial Museum
Box 232
Harrisburg, Pennsylvania 17108

RHODE ISLAND

Department of Sociology & Anthropology
Brown University
Providence, Rhode Island 02912

SOUTH CAROLINA

Institute of Archeology & Anthropology
University of South Carolina
Columbia, South Carolina 29208

SOUTH DAKOTA

W.H. Over-Dakota Museum
University of South Dakota
Vermillion, South Dakota 57069

TENNESSEE

The McClung Museum
University of Tennessee
Knoxville, Tennessee 37916

TEXAS

State Archeologist
State Building Commission
P.O. Box 12172
Austin, Texas 78711

UTAH

Statewide Archeological Survey
University of Utah
Salt Lake City, Utah 84112

VERMONT

Department of Sociology & Anthropology
University of Vermont
Burlington, Vermont 05401

VIRGINIA

Archeologist
Virginia State Library
Richmond, Virginia 23219

WASHINGTON

Department of Anthropology
Washington State University
Pullman, Washington 99163

WEST VIRGINIA

Section of Archeology
West Virginia Geological Survey
Box 879
Morgantown, West Virginia 26505

WISCONSIN

State Archeologist
State Historical Society of Wisc.
Madison, Wisconsin 53706

WYOMING

State Archeologist
Department of Anthropology
University of Wyoming
University Station Box 3431
Laramie, Wyoming 82070

Dr. McGIMSEY. The second approach was consultation with Congressmen and Senators, particularly Senator Moss and his staff, and Congressman Bennett and his staff, but with a great many others as well, on the design and development of a legislative approach to the solution of this problem. An amendment to the 1960 Reservoir Salvage Act was drafted. A number of archeologists then consulted with the Federal agencies who would be involved and got their further suggestions. On this basis a bill was introduced into the last session of Congress. The agencies made official reports on that legislation, and as a result of these reports, the bill was again modified to take into account all of the suggestions proposed by the Federal agencies. This modified version is what we are considering today.

Provision must be made for Federal agencies directly involved in programs resulting in archeological destruction to be able to provide a level of funding adequate to recover or protect those resources, a level directly scaled to the nature of the program, and the extent of the destruction. This is precisely what the proposed amendment makes possible.

I believe every step has been taken to assure that this is a good, workable piece of legislation; one that meets a very definite need, and will contribute to a marked degree to the alleviation of that need. I strongly urge and recommend its passage.

Senator BIBLE. Doctor, that is an unusually fine statement. I do appreciate it. I think it points up the thing that this bill is designed to protect and save, either preserve artifacts and other relics or, I suppose, remove and put them in museums.

How many archeologists are there in the United States?

Dr. McGIMSEY. There are about 4,000 that are members of the Society for American Archeology. This includes both professionally trained archeologists and what are called amateur archeologists. Archeology is one of the few scientific fields that persons who do not have an advanced degree in the subject may make significant contributions to and archeologists work very closely with amateurs in most States of the country. In Arkansas, for example, we have some 700 members of the Arkansas Archeological Society which work very closely with the nine professional archeologists employed by the State.

I can only make an off-the-cuff guess as to how many—

Senator BIBLE. Well, no, that is not necessary. I am trying to get some idea as to the range of this profession.

In your State of Arkansas, how many archeologists do you have within the university system? Is there a school of archeology in Arkansas?

Dr. McGIMSEY. We have a department of anthropology, which offers a master's degree in anthropology, of which archeology is a part.

Senator BIBLE. It would be a part of the larger school. And how large a group of people would there be in the school of anthropology, if that is the correct title?

Dr. McGIMSEY. We have a State archeological survey, which is a semiseperate State agency which operates through the University of Arkansas. There are nine professional archeologists attached to that survey. There are an additional 20 staff members of a supporting nature: Editors, photographers, this sort of thing. The university department of anthropology has an additional two archeologists on its staff.

Senator BIBLE. I have been trying to recall the name of the archeologist who was on the National Parks Advisory Committee, from either Arizona or Arizona State.

Dr. McGIMSEY. Dr. Emil Howard is probably the one.

Senator BIBLE. That is the one, Dr. Emil Howard. He is a very, very imposing man, physically and mentally.

Dr. McGIMSEY. He is an excellent archeologist as well.

Senator BIBLE. Is he from the State—

Dr. McGIMSEY. University of Arizona.

Senator BIBLE. That is in Tucson?

Dr. McGIMSEY. That is right.

Senator BIBLE. I have no more questions.

Do you have any?

Senator ANDERSON. I have no questions. I thought it was a very good statement.

Senator BIBLE. I thought it was a very good statement as well.

The next witness is Dr. Richard S. MacNeish, president of the Society of American Archeology.

STATEMENT OF DR. RICHARD S. MacNEISH, DIRECTOR, ROBERT S. PEABODY FOUNDATION FOR ARCHEOLOGY, ANDOVER, MASS., ON BEHALF OF THE SOCIETY FOR AMERICAN ARCHEOLOGY

Dr. MACNEISH. Mr. Chairman, Senator Anderson, I am Dr. Richard S. MacNeish, and I am director of the Robert S. Peabody Foundation for Archeology, Andover, Mass., and I am here as president of the Society for American Archeology, representing its approximately 4,000 members and 2,000 to 3,000 affiliated archeologists—over 6,000 who are citizens of the United States.

I and our society would like to recommend the passage of Senate bill 1245 (House bill 6257) to amend the act of June 27, 1960 (74 Stat. 20) relating to the preservation of historical and archeological data, for the following reasons. With your permission, in terms of the tenor of some of the things that have been said, I would like to reverse the order that I have on my abstract and deal with point 4 first.

Senator BIBLE. Certainly.

Dr. MACNEISH. One important aspect of this is that the passing of said bill will not provide for rescuing present data, but even more important, this data will now be preserved for future generations of Americans, who will have to depend upon our present-day salvage information to unravel—and this is the point I would like to make—with as yet undreamed of scientific methods, the thousands of years of our American heritage.

When I say as yet undreamed of scientific methods, this is as a result of what has developed in the last 10 years in the way of new archeological and historical techniques, which means this data does not just sit in a museum never to be studied again. It is studied from a totally different standpoint, and we arrive at totally different conclusions from our data.

To go on with my abstract, heretofore, there has been no overall provision for definitely spelling out the funding of archeological salvage of antiquities that will be destroyed by such endeavors as urban

development, industrial expansion, military bases, airport construction, land-leveling agricultural projects, U.S. Department of Defense projects, or many other earth-changing advances of modern civilization, many of which are caused by the Federal agency.

Of course, some salvage has been very successfully done by Government agencies, but the point I would like to make is that there has not been an all-inclusive nor was it possible to have an overall, well-coordinated program to save all portions of America's greatest non-renewal resources: The evidence of the past. The logical coordinating agency with the trained staff and experience is the National Park Service within the Department of the Interior. The National Park Service has an Office of History and Archeology in Washington and six regional research centers that have been coordinating and administering the river basin salvage program for the past 25 years. They have established contacts with and have contracted with most of the local and State agencies that have had expertise and facilities available for salvage work in proposed reservoir areas in the Nation. Therefore, the National Park Service already has the basic organization, expertise, and experience to coordinate and administer the provisions of S. 1245.

My final two points which are on the abstract have been reported.

Senator BIBLE. I was going to ask, I have already read this before you, but are these not already in the bill before us, No. 1?

Dr. MACNEISH. Yes, these are in the bill.

Senator BIBLE. Then you approve of those provisions that are in the bill?

Dr. MACNEISH. We approve of these provisions that are in the bill very much, and as has been pointed out very strongly by Mr. McGimsey, point 2, our expansion in the destruction of our past is moving at a rate that is just unparalleled in our history. This affects not only the destruction of that material, but it means that from many standpoints, we who are in private research foundations are interested in specific archeological problems such as the one you mentioned: The migration of man into the new world, when he first appeared. Some of this data is gone and never can be replaced. I have particular interest in the spread of agriculture, corn agriculture, by Indians. This is also gone. Some of the basic data is gone. This can never be duplicated again.

The above-mentioned new measure may stop this great loss of information which is irreplaceable, and will eventually help us solve some of the archeological problems that seem important to us in understanding current history.

Senator BIBLE. I appreciate your presence here, Dr. MacNeish. I have no questions. What you are telling us is that the bill as it now appears before us, the bill we are considering today, meets your approval.

Dr. MACNEISH. It certainly does.

Senator BIBLE. Thank you.

Senator Anderson?

Senator ANDERSON. I have no questions.

Senator BIBLE. Thank you very much.

(The prepared statement of Dr. MacNeish follows:)

STATEMENT OF DR. R. S. MACNEISH, PRESIDENT OF THE SOCIETY OF AMERICAN
ARCHAEOLOGY, ANDOVER, MASS.

I am Dr. Richard S. MacNeish, Director of the Robert S. Peabody Foundation for Archaeology, Andover, Massachusetts, and I am here as President of the Society for American Archaeology representing its approximately 4,000 members and 2 to 3,000 affiliated archaeologists—over 6,000 who are citizens of the United States.

I and our Society would like to recommend the passage of Senate Bill 1245 (House Bill 6257) to amend the act of June 27, 1960 (74 Stat. 20) relating to the preservation of historical and archaeological data, for the following reasons:

1. We consider that the procedures proposed in the new legislation are commendable and practical. We recommend that the provisions in the bill as presented be maintained to include the following:

(a) Any federal agency, or agency using federal funds, whose activities threaten to damage or destroy archaeological sites, is *authorized* (not required but authorized) to spend funds to recover, protect, and preserve the data.

(b) Such agencies also may transfer funds (up to 1% of the total cost of the agency's project) for this purpose to the Department of the Interior.

(c) Costs of archaeological salvage are, thereby, related directly to the cost of the project and are borne by the agency making the archaeological salvage necessary.

2. The above-mentioned new measure amends the 1960 legislation to include all areas where federal funds are spent while disturbing archaeological sites. We are all aware that with expansion of our American civilization new federal agencies are moving into new geographical areas at a rate unparalleled in our history.

3. Heretofore, there has been no overall provision for definitely spelling out the funding of archaeological salvage of antiquities that will be destroyed by such endeavors as urban development, industrial expansion, military bases, airport construction, land leveling agricultural projects, United States Department of Defense projects, or many other earth-changing advances of modern civilization. Of course, some salvage has been very successfully done by government agencies, but the point I would like to make is that there has not been an all-inclusive nor was it possible to have an overall, well-coordinated program to save all portions of America's greatest non-renewable resources—the evidence of the past. The logical coordinating agency with the trained staff and experience is the National Park Service within the Department of the Interior. The National Park Service has an Office of History and Archaeology in Washington and six regional research centers that have been coordinating and administering the River Basin Salvage Program for the past twenty-five years. They have established contracts with and have contracted with most of the local and State agencies that have had expertise and facilities available for salvage work in proposed reservoir areas in the nation. Therefore, the National Park Service already has the basic organization, expertise and experience to coordinate and administer the provisions of S. 1245.

4. The passing of said bill will not only provide for rescuing present data, but even more important, this data will now be preserved for future generations of Americans, who will have to depend upon our present day salvage information to unravel, with as yet undreamed of scientific methods, the thousands of years of our American heritage.

Senator BIBLE. The next witness is Dr. Carl H. Chapman, director of archeological research activities, University of Missouri at Columbia.

STATEMENT OF DR. CARL H. CHAPMAN, DIRECTOR OF ARCHEO-
LOGICAL RESEARCH ACTIVITIES, UNIVERSITY OF MISSOURI AT
COLUMBIA

Dr. CHAPMAN. Mr. Chairman, I am Carl H. Chapman. I am also secretary of the Missouri Archeological Society, which has 1,500 members. I am representing them and I am also a member of the steering committee of the Mississippi alluvial valley archeological program,

and in this case, I am representing some 35 archeologists that are behind the bill.

I am also coauthor of "The Stewards of the Past," which Dr. McGimsey put before you and I would like to have this in the record if it might be possible.

Senator BIBLE. Oh, yes; without objection, that will be made a part of the record.

Dr. CHAPMAN. Thank you, sir.

I wish to point out another aspect of Senate bill 1245 not covered by my colleagues. The bill will aid development of national manpower and expertise resources in archeology and related areas through State and local programs. The passage of S. 1245 would facilitate the development of local and State programs that would be useful pools of expertise and manpower that could be called upon by Federal agencies to supply them with needed data for program planning. The local or State agency, in turn, through its cooperation with Federal agencies, would be able to continue a balanced program in the locality or State that would aid in saving our cultural heritage throughout the Nation. The advantage of building up local and State programs is that they would have the knowledge of the locality and region and would have on their staffs experienced individuals with expertise adapted to that locality or region. Contracts to the local or State program by Federal agencies would be helpful in building up facilities as well as staff on the State and local level. This would result in reducing the cost of obtaining the data through greater efficiency in operation and through part of the cost being absorbed by the local or State program.

Once a program is in operation in a local or State area it is less costly for the program to expand or divert its activities than it would be to set up a new program needing new facilities. Furthermore, a continuing program can hold its expertise of staff adapted to the area involved.

An example is the American archeology program at the University of Missouri which nearly 20 years ago oriented its research to aid the National Park Service in the river basin archeological salvage program. Through contracts with the National Park Service, the American archeology division of the university was able to increase its facilities such as vehicles, laboratories, and special equipment as well as add to its permanent staff. Furthermore, through matching the costs of the research in the river basin surveys, the cost of the overall river basin program in Missouri to the Federal Government was reduced by half. The passage of S. 1245 would make possible the development of similar programs elsewhere and assure the continuation of an effective program in Missouri.

I recommend its passage.

Senator BIBLE. That is a very fine statement, Dr. Chapman. I know something of your reputation in the field of archeological research.

How large a department do you have in the University of Missouri?

Dr. CHAPMAN. We come under the anthropology department, but actually have—

Senator BIBLE. How large is the overall parent department?

Dr. CHAPMAN. The overall parent department has 16 full-time staff members that are teachers as well and then we have research archeologists that add to this under American archeology as a division of the department, but which run separately.

Senator BIBLE. How many people does it have aboard?

Dr. CHAPMAN. It has connected with it eight full-time archeologists.

Senator BIBLE. How many students study archeology in the University of Missouri?

Dr. CHAPMAN. We have at the present time approximately 50 graduate students.

Senator BIBLE. Fifty graduate students.

Dr. CHAPMAN. Yes.

Senator BIBLE. What does a graduate archeologist do? Where does he go to get a job?

Dr. CHAPMAN. Usually in another university or with one of the Federal agencies or museums. They are some of the major sources of jobs. I have just placed three doctoral candidates this year, one with the Illinois State Museum, one with the University of Florida at Tampa, and one at Memphis State University, where he is in charge of the Chucalissa Museum.

Senator BIBLE. How large is the University of Missouri, total, all branches?

Dr. CHAPMAN. All branches, I cannot give you an exact figure.

Senator BIBLE. At Columbia, how many do you have on the campus at Columbia?

Dr. CHAPMAN. At Columbia, we have approximately 25,000. It has grown tremendously.

Senator BIBLE. It has grown like all the other universities, then, has it not?

Dr. CHAPMAN. It has grown very fast and with the overall four branches, I am sure we must have in the 30's or perhaps 40,000 at present.

Senator BIBLE. It is amazing the growth of universities.

I very much appreciate your appearance here.

Senator Anderson?

Senator ANDERSON. I have no questions.

Senator BIBLE. Thank you very much.

Our next witness is Dr. Robert L. Stephenson, director of archeology and anthropology, University of South Carolina.

Doctor?

STATEMENT OF DR. ROBERT L. STEPHENSON, DIRECTOR, INSTITUTE OF ARCHEOLOGY AND ANTHROPOLOGY, UNIVERSITY OF SOUTH CAROLINA

Dr. STEPHENSON. I am Robert L. Stephenson, director of the Institute of Archeology and Anthropology at the University of South Carolina and also State archeologist. I want to summarize a bit, Mr. Chairman.

Senator BIBLE. Your full statement will be incorporated in the record. Of course, it is so short, you can go ahead and read it, if you want to.

Dr. STEPHENSON. All right, sir.

Almost 65 years ago the Congress clearly spelled out the mandate of the people to preserve our national heritage when it passed the Federal Antiquities Act of 1906. This has been repeatedly recognized by subsequent acts designed to implement the preservation of historic and prehistoric sites. Each of these acts has been designed to cover

some specific aspect of the salvage of antiquities such as in reservoirs, at historic buildings, et cetera. Yet each year our Nation, through the increase in population and mass industrial and economic expansion, endangers more and more of the rapidly dwindling and nonrenewable resources of our national heritage. It is time now to provide a means of preserving these antiquities, not just in reservoirs or along highways, but everywhere that they are threatened by federally sponsored progress. Senate bill 1245 will do this and, at the same time will complement other acts already passed.

For example, S. 1245 will aid Federal agencies in meeting their obligations required by the Environmental Policy Act 91-190 of 1969 which makes it mandatory for an agency to show the impact of its project on the environment including archeological and historic sites. Necessary information would be readily obtained through contracts and agreements with local and State agencies coordinated by the National Park Service. As Mr. Chapman has pointed out this could be done at minimal cost to the project and with maximum benefit to our national heritage providing favorable publicity to the projects involved.

Such huge Federal areas as the Nevada test site, where I have had some experience, could, under the provisions of S. 1245, preserve its threatened antiquities more economically and with more favorable public relations than in any other way.

Senator BIBLE. Since the Nevada test site happens to be in my State, No. 1, what experience did you have?

Dr. STEPHENSON. Well, sir; I established and ran the Nevada archeological survey in Nevada for 2 years. We had the opportunity to work very closely with the AEC people, both from Reno and Las Vegas. We had a most enjoyable experience there.

The provisions of Senate bill 1245 would assist this particular project by providing a set of permanent facilities through which the funding could be utilized.

Now, there was a question earlier about overlap of funding and overlap of activities between the archeologists.

Senator BIBLE. That is right.

Dr. STEPHENSON. I think here is a point in question. Here is a place where this overlap can be eliminated. There is only one chunk of money to be expended for any particular excavation. Whether this is expended by the project itself or by some State agency is a matter of some concern, because in the case of Nevada, for example, the State legislature simply did not have the capability or the willingness to provide adequate funding for the archeology of the Nevada test site, which was in their State. It was Federal land. It was a Federal project during the destruction of these sites and consequently, Federal funding is appropriately afforded for this. This can be utilized by staffing within the university, within the Las Vegas and Reno campuses, and/or by staffing or facilities in the AEC themselves.

No, archeology is a set mode or phased thing. It is not a matter of just going out and digging. There are two or three other parts of the problem. Archeology is a matter of going out and digging and getting the data, but an even larger part of archeology is the laboratory work and this takes laboratory setups and laboratory facilities. These cost money. If you have to make a separate laboratory facility for every project, then you are duplicating your funding. Under Senate bill 1245,

these facilities can be considerably reduced and the project funds—the excavation funds, the laboratory funds, and the publication funds—the publication, of course, is the end project and the result of the work that we are striving for and the interpretation of what we find—but this can be funded through the agency that is doing the destruction into already existing laboratories and facilities.

Senator BIBLE. I understand that point, now, one further question, since we are discussing the Nevada test site and since you were also an archeologist at the University of Nevada. As a result of many underground explosions which they have had at the test site, is there any evidence that they destroyed some valuable archeological material? I do not know.

Dr. STEPHENSON. No, sir; not in the underground explosions, but in the surface activities of the Nevada test site, a great deal has been destroyed. There have been a number of small caves and rock shelters that have been destroyed and ruined by roads, building site areas, by leveling areas for other activities, surface activities.

Senator BIBLE. Was there evidence that there had been people living there at some earlier time?

Dr. STEPHENSON. Yes, sir, there is one cave that we have evidence right near the—I forgot the name of the great big crater, wherever it is.

Senator BIBLE. Sudan was the one—

Dr. STEPHENSON. Sudan, yes. Right near there, there was a cave with archeological remains, basketry and various things of 7,000 or 8,000 years ago. There were a number of smaller caves of a later period occupied by Indians of a later period.

Senator BIBLE. I understand. I have it clear now. I would think even the earlier Indians who came through and located there would move on in a hurry. That is a pretty desolate area. I cannot believe it was more attractive even than it is now. Maybe it was.

Dr. STEPHENSON. There was a time there was a great lake there.

Senator BIBLE. That is a lot of years ago.

Dr. STEPHENSON. But there were people there then.

Senator BIBLE. All right, you may proceed.

Dr. STEPHENSON. Similarly, such projects as an airport enlargement in Columbia, S.C. or a Corps of Engineers' canal development on the Santee River in South Carolina could effectively and efficiently provide the small funding, through an already established research agency, such as the Institute of Archaeology at the university, that would be sufficient to salvage the known camps and villages of Indians of 2,000 to 5,000 years ago that we know are now endangered in those places.

Mr. Chairman, I urge passage of Senate bill 1245 as the soundest antiquities legislation of recent years.

Senator BIBLE. Very fine statement, Doctor. We appreciate your appearance here this morning. I have no questions.

Senator Anderson?

Senator ANDERSON. No questions.

Senator BIBLE. Thank you very much. That closes our hearing on S. 1245.

(Whereupon, at 11:45 a.m., the subcommittee was adjourned.)

Subsequent to the hearing, the following communication was received:

STARKVILLE, MISS., May 26, 1971.

Senator HENRY M. JACKSON,
*Chairman, Senate Committee of the Interior and Insular Affairs, U.S. Senate
Office Building, Washington, D.C.*

DEAR SIR: I am in receipt of information, regarding a public hearing June 10 in behalf of S1245, the bill to amend the Reservoir Act of 1960.

May I urge you, for myself as a private citizen, as an officer of the Mississippi Archaeological Association, and as a professional archaeologist (State Archaeologist) to guide this bill through successfully so that it will be passed.

It seems to me that we here in America have reached the point that if we do not take adequate legal steps to assist in and assure the salvage and preservation of our prehistoric and early historic monuments and resources, we shall destroy them in sheer ignorance of the importance of our heritage. Such a bill as S1245 is a great step forward in this respect and should be supported by all loyal Americans.

Sincerely,

RICHARD A. MARSHALL.

S. 1152—TO FACILITATE THE PRESERVATION OF HISTORIC MONUMENTS, AND FOR OTHER PURPOSES

THURSDAY, JUNE 10, 1971

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

The subcommittee met, pursuant to notice, at 11:15 a.m., in room 3110, New Senate Office Building, Senator Alan Bible (chairman of the subcommittee) presiding.

Present: Senators Bible (presiding), Anderson, and Moss.

Also present: Bernard C. Hartung, professional staff member; and Thomas Nelson, assistant minority counsel.

Senator BIBLE. We will consider S. 1152, a bill to facilitate the Preservation of Historic Monuments.

S. 1152 would transfer the authority to convey surplus land for historic monument purposes without monetary consideration, now found in section 13(h) of the Surplus Property Act of 1944 (50 USC App. 1622(h) to section 203 of the Federal Property and Administrative Services Act of 1949, and repeal section 13(h). Section 203 already contains somewhat similar provisions regarding conveyance of surplus real property for health and education and park and recreation purposes. The draft legislation would also make certain changes in the existing authority applicable to conveyances of surplus land for historic monument purposes. This was Presidential transmission. It was transmitted by Presidential letter of February 10, 1971. So that will be made a part of the official record, the letter of transmittal under that date, together with the bill.

(The documents referred to follow:)

92^D CONGRESS
1ST SESSION

S. 1152

IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, FEBRUARY 17), 1971

MR. PERCY introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To facilitate the preservation of historic monuments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 203 of the Federal Property and Administra-
4 tive Services Act of 1949, as amended (40 U.S.C. 484), is
5 further amended by redesignating section 203 (k) (3) as
6 section 203 (k) (4) and by adding a new section 203 (k)
7 (3) as follows:

8 “(k) (3) Without monetary consideration to the United
9 States, the Administrator may convey to any State, political
10 subdivision, instrumentalities thereof, or municipality, all of
11 the right, title, and interest of the United States in and to any

1 surplus real and related personal property which the Secre-
2 tary of the Interior has determined is suitable and desirable
3 for use as a historic monument, for the benefit of the public.
4 No property shall be determined to be suitable or desirable
5 for use as a historic monument except in conformity with the
6 recommendation of the Advisory Board on National Parks,
7 Historic Sites, Buildings and Monuments established by sec-
8 tion 3 of the Act entitled 'An Act for the preservation of his-
9 toric American sites, buildings, objects, and antiquities of
10 national significance, and for other purposes', approved
11 August 21, 1935 (49 Stat. 666), and only so much of any
12 such property shall be so determined to be suitable or desir-
13 able for such use as is necessary for the preservation and
14 proper observation of its historic features.

15 “(A) The Administrator may authorize use of any
16 property conveyed under this subsection for revenue-produc-
17 ing activities if the Secretary of the Interior (i) determines
18 that such activities are compatible with use of the property
19 for historic monument purposes, (ii) approves the grantee's
20 plan for repair, rehabilitation, recreation, and maintenance of
21 the property, and (iii) approves the grantee's plan for financ-
22 ing repair, rehabilitation, restoration, and maintenance of
23 the property. The Secretary shall not approve a financial
24 plan unless it provides that income in excess of costs of re-
25 pair, rehabilitation, restoration, and maintenance shall be

1 used by the grantee only for park or recreational purposes.
2 The Administrator may not authorize any uses under this
3 subsection until the Secretary has examined and approved
4 the accounting and financial procedures used by the grantee.
5 The Secretary may periodically audit the records of the
6 grantee, directly related to the property conveyed.

7 “(B) The deed of conveyance of any surplus real prop-
8 erty disposed of under the provisions of this subsection—

9 “(i) shall provide that all such property shall be
10 used and maintained for historic monument purposes in
11 perpetuity, and that in the event that the property
12 ceases to be used or maintained for that purpose, all or
13 any portion of the property shall, in its then existing
14 condition, at the option of the United States, revert to
15 the United States; and

16 “(ii) may contain such additional terms, reserva-
17 tions, restrictions, and conditions as may be determined
18 by the Administrator to be necessary to safeguard the
19 interests of the United States.

20 “(C) ‘States’ as used in this subsection, includes the
21 District of Columbia, the Commonwealth of Puerto Rico,
22 and the territories and possessions of the United States.”

23 SEC. 2. Section 13 (h) of the Surplus Property Act of
24 1944 (50 U.S.C. App. 1622 (h)) is repealed.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., February 10, 1971.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith, for referral to the appropriate Committee, a draft of legislation "To facilitate the preservation of historic monuments, and for other purposes."

This draft legislation would transfer the authority to convey surplus land for historic monument purposes without monetary consideration, now found in section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)) to section 203 of the Federal Property and Administrative Services Act of 1949, and repeal section 13(h). Section 203 already contains somewhat similar provisions regarding conveyance of surplus real property for health and education and park and recreation purposes. The draft legislation would also make certain changes in the existing authority applicable to conveyances of surplus land for historic monument purposes, as more fully explained below.

Section 13(h)(3)(A) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1622(h)(3)(A)), currently provides that the deed of conveyance of surplus real property disposed of for historic-monument purposes shall provide that "... all such property shall be used and maintained for the purpose for which it was conveyed..."

The Surplus Property Act now prohibits the use of any part of the property for purposes other than as a historic monument. As an example, if the exterior of a building conveyed under section 13(h) of the Act had historical significance, the use of the interior of the building for shops or offices would not be permitted. Expenses of rehabilitation and maintenance tend to be particularly high for older buildings. In certain cases, preservation of the site as a historic monument is feasible only if productive use can be made of the property or some portion of it. The productive use of the property for revenue-producing purposes would permit maintenance and development of the site as a historic monument.

The proposed amendment would permit use of property conveyed as a historic monument for revenue-producing activities if the Secretary of the Interior (1) determines that such activities are compatible with use of the property for historic-monument purposes, (2) approves the grantee's plan for repair, rehabilitation, restoration and maintenance of the property, and (3) approves the grantee's plan for financing repair, rehabilitation, restoration and maintenance of the property.

The draft bill provides that, if the conveyance of property for historic-monument purposes authorizes revenue-producing activities, the income received from the revenue-producing use of the property, after the grantee has recovered all costs of restoration and maintenance, shall be used by the grantee only for park or recreation purposes. The draft legislation provides for approval by the Secretary of the accounting and financial procedures used by the grantee, and for periodic audit of the records of the grantee, directly related to the property conveyed.

These provisions of the bill serve the dual purpose of providing a source of revenue for restoration and maintenance of the property conveyed, while at the same time insuring that any income in excess of that necessary to restore and maintain the property will be used by the grantee exclusively for park or recreation purposes.

The Surplus Property Act presently provides that no property shall be determined suitable or desirable for use as a historic monument if its area exceeds that necessary for the preservation and proper observation of "the historic monument situated thereon." This provision is retained in the draft bill, but the phrase "the historic monument situated thereon" has been changed to "its historic features" in order to make clear that a structure is not the only feature that may endow a property with historical significance. Subsurface archeological remains, earthworks, or simply the site or setting of significant past events, such as a battle, may be as worthy of preservation for historic monument purposes as a historic building. Although buildings will continue to be the usual kind of property conveyed, the law should not imply that the presence of a building on a property is an essential qualification for its conveyance for historic monument purposes.

The Surplus Property Act presently provides that no property shall be determined to be suitable and desirable for historic monument purposes if "its historical significance relates to a period of time within fifty years immediately preceding." The draft bill eliminates this restriction. Generally accepted indices of historical significance such as the National Register of Historic Places, permit inclusion of a property less than fifty years old if it is judged of exceptional importance.

The surplus property laws should not set more stringent requirements. Events of great historical significance may well occur in buildings that become surplus before fifty years have passed. It would be unfortunate, for example, if historic places associated with the development of atomic energy or the space program could not be judged historic monuments because of existing restrictions. The Advisory Board on National Parks, Historic Sites, Buildings and Monuments has an administrative mechanism to insure that the less restrictive standard of the draft bill will not be abused.

The Surplus Property Act presently provides that the deed of conveyance of any surplus property disposed of for historic-monument purposes shall provide that all such property shall be used and maintained for the purpose for which it was conveyed for a period of not less than 20 years. In practice, GSA has required this continuance of use in perpetuity. The draft bill changes the statutory requirement from 20 years to perpetuity, conforming to practice. Public Law 91-485, approved October 22, 1970, relating to conveyances of surplus property for park and recreational purposes, contains a similar requirement.

We urge prompt introduction and enactment of the draft bill.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ROD KREGER,
Acting Administrator.

Senator BIBLE. We will now hear from the Park Service on 1152.

STATEMENT OF THOMAS F. FLYNN, ACTING DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DR. ERNEST CONNALLY, CHIEF, OFFICE OF HISTORY AND ARCHEOLOGY; AND MIKE LAMBE, CHIEF, DIVISION OF LEGISLATION

Mr. FLYNN. Mr. Chairman, I would like to have my statement incorporated in full.

Senator BIBLE. Without objection, the statement will be incorporated in full in the record.

Mr. FLYNN. We, of course, urge the passage of the bill and the GSA report really duplicates most of our comments on the bill.

We do not anticipate that the enactment of S. 1152 would require any increase in our expenditures. We suggest just one perfecting amendment. On page 2, line 20, change the word "recreation" to "restoration."

We are open to questions, sir.

Senator BIBLE. I have no questions.

Senator Anderson?

Senator ANDERSON. No questions.

Senator BIBLE. Very fine. If all amendments were as simple as that, change "recreation" to "restoration," I suppose we could agree with them. That does not sound like much of a dramatic change.

(The prepared statement of Mr. Flynn follows:)

STATEMENT OF THOMAS F. FLYNN, ACTING DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DR. ERNEST CONNALLY, CHIEF, OFFICE OF HISTORY AND ARCHEOLOGY; AND MIKE LAMBE, CHIEF, DIVISION OF LEGISLATION

Mr. Chairman, the Department of the Interior supports the enactment of S. 1152.

In his Environmental Message to the Congress on February 8, 1971, President Nixon recommended three legislative proposals to preserve the Nation's architectural and historic heritage. The President said, in part, "I am recommending

legislation to permit State and local governments more easily to maintain transferred Federal historic sites by allowing their use for revenue purposes . . ."

S. 1152 is identical to legislation transmitted to the President of the Senate by the General Services Administration on February 10, 1971, in implementation of the President's recommendation.

In its transmittal letter GSA pointed out that in certain cases, transfer of surplus Federal property for historic monument purposes is feasible only if the grantee can make some productive use of it. Thus the chief purpose of S. 1152 is to permit revenue-producing activities, if approved by the Secretary of the Interior, with respect to properties transferred to States and municipalities for historic monument purposes.

Under the Surplus Property Act of 1944, surplus Federal property may be transferred without cost to States and municipalities for historic monument purposes. However, when the existing provisions of the 1944 Act were written into law the concept of an "historic monument" was basically that of a public museum. Accordingly, the law has been interpreted to preclude commercial use or other activities that make productive use of an historic structure.

Current preservation philosophy, however, encourages productive, everyday use of monumental buildings as an integral part of the fabric of our environment. The Congress has, in the Historic Preservation Act of 1966 declared 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."

S. 1152 is intended to permit such uses. For example, we believe the Old Post Office Building in St. Louis could be devoted to such uses as office space, shops, museum space, and perhaps cafeterias.

Under the bill, the Administrator of GSA could convey the building to the city, which would in turn lease portions of the building for commercial purposes. Any revenues to the city over and above the cost of maintenance and rehabilitation of the building must be used by the city for park or recreational purposes.

Determination of the compatibility of proposed uses would be the responsibility of the Secretary of the Interior. We would expect to make these determinations on a case-by-case basis, approving those activities which would not alter the basic elements of the property—both exterior and interior—which give it significance as an historic monument.

S. 1152 makes two other changes in existing law which we believe are beneficial: It removes the requirement that surplus property must have an historic significance relating to the period of time within 50 years of the date it is determined to be surplus. Events of great historical significance may well occur in buildings that become surplus before 50 years have passed. For example, there may be buildings related to the space program and the development of atomic energy that may become surplus and should be historic monuments.

The other significant change is to require that the grantee of a property for historic monument purposes maintain it for that purpose in perpetuity, rather than for not less than 20 years as provided in existing law. We understand that GSA now requires, as a matter of practice, that the property be maintained as an historic monument in perpetuity, and this change would conform the law to GSA practice.

We do not anticipate that the enactment of S. 1152 would require any increase in expenditures.

We suggest, Mr. Chairman, an amendment of a perfecting nature: on page 2, line 20, change the word "recreation" to "restoration".

This concludes my prepared statement. We will be happy to answer any questions you may have.

Senator BIBLE. The next witness is Jonas Morris of the National Parks and Conservation Association.

Mr. Morris is not here. His statement will be inserted for the record.

(The statement referred to was not received in time for inclusion in the record.)

Senator BIBLE. The next witness is Mr. Harold Trimmer, Assistant Administrator, GSA.

STATEMENT OF HAROLD S. TRIMMER, JR., ASSISTANT ADMINISTRATOR, U.S. GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY THOMAS G. GHERARDI, DIRECTOR OF CONGRESSIONAL AFFAIRS; AND PHILIP R. JOHNSON, SPECIAL ASSISTANT TO THE COMMISSIONER, PUBLIC BUILDINGS SERVICE

Mr. TRIMMER. Mr. Chairman, I am Harold S. Trimmer, Jr., Assistant Administrator of General Services Administration. I am pleased to be here this morning representing Administrator Robert L. Kunzig as the subcommittee considers S. 1152, a bill "to facilitate the preservation of historic monuments," transmitted to the Congress by GSA and introduced by Senator Percy. With the permission of the chairman, I should like to offer a copy of our letter transmitting the bill for inclusion in the record.

Senator BIBLE. Without objection, that is the order.

(The letter referred to has already been inserted.)

Mr. TRIMMER. Mr. Chairman, S. 1152 is consistent with President Nixon's policy, set forth in Executive Order 11593, that "the Federal Government shall provide leadership in preserving, retaining, and maintaining the historic and cultural environment of the Nation." It is also an important part of the President's environmental program for the 92d Congress, a program spelled out in the President's Message on the Environment dated February 8, 1971. With your kind permission I should also like to offer for the record at this point a copy of the Executive order and excerpts from the Environmental Message for inclusion at this point in the transcript of my remarks.

Senator BIBLE. Without objection, that will be done.

(The document referred to follows:)

THE PRESIDENT'S MESSAGE TO THE CONGRESS OUTLINING HIS PROGRAM

FEBRUARY 8, 1971.

To the Congress of the United States:

Last August I sent to the Congress the first annual report on the state of the nation's environment. In my message of transmittal, I declared that the report "describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. . . . They point the directions in which we must move as rapidly as circumstances permit."

The comprehensive and wide-ranging action program I propose today builds upon the 37-point program I submitted to the Congress a year ago. It builds upon the progress made in the past year, and draws upon the experience gained in the past year. It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings. This program includes:

* * * * *

Measures to promote environmental quality in land use decisions:

- A national land use policy
- A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas
- Preservation of historic buildings through tax policy and other incentives

* * * * *

PRESERVING OUR ARCHITECTURAL AND HISTORIC HERITAGE

Too often we think of environment only as our natural surroundings. But for most of us, the urban environment is the one in which we spend our daily lives. America's cities, from Boston and Washington to Charleston, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the

bulldozer. Unfortunately, present Federal income tax policies provide much stronger incentives for demolition of older buildings than for their rehabilitation.

Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed. Most lending institutions are unwilling to loan funds for the restoration and rehabilitation of historic buildings because of the age and often the location of such buildings. Finally, there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

I shall propose tax measures designed to overcome these present distortions and particularly to encourage the restoration of historic buildings.

I shall propose new legislation to permit Federal insurance of home improvement loans for historic residential properties to a maximum of \$15,000 per dwelling unit.

I am recommending legislation to permit State and local governments more easily to maintain transferred Federal historic sites by allowing their use for revenue purposes and I am taking action to insure that no federally-owned property is demolished until its historic significance has first been reviewed.

* * * * *

[Executive Order No. 11593]

PROTECTION AND ENHANCEMENT OF THE CULTURAL ENVIRONMENT

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

SECTION 1. Policy. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. Responsibilities of Federal agencies.—Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) No later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) Exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) Initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) Submit procedures required pursuant to subsection (d), to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) Cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) Encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) Develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) Expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) Encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic, architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) Develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) Advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) Review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) Review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

RICHARD NIXON.

The WHITE HOUSE, May 13, 1971.

Mr. TRIMMER. In his message, the President recognized that preserving the tangible evidence of America's historical, artistic, technological, and cultural development is an indispensable part of preserving the total American environment and improving the quality of every citizen's life.

No one has ever denied that man's artifacts have a direct and powerful impact upon his physical environment. Yet, it is only recently that real attention has been given to their impact upon his cultural environment. The lifeless and pedestrian forms of so much that we build in America today, when compared to the vitality, variety, and warmth of what we are replacing, are truly signs of diminishing concern for quality and craftsmanship and individuality. The trend is as deplorable as it is apparent: in the name of progress we often destroy invaluable

evidence of America's past only to replace it with often cheap and gaudy memorials to an unworthy present.

In our libraries, we carefully preserve the words of our forebears and accounts of their deeds, even as we raze the more tangible and valuable monuments to their art and industry—places and buildings permeated with a sense and feel of the past that bring history to life in a way that words never can. It is fortunate for our national conscience that we can never know precisely how much of our cultural heritage we have sacrificed in our cavalier dedication to "progress." In his environmental message, the President cited estimates that fully one-quarter of the buildings recorded by the Historic American Building Survey since 1933 have been lost to the wrecker's ball.

Concern for the preservation of our cultural heritage has developed in scope and purpose over the years. Historic value was traditionally measured by association with historic events or important men. In recent years we have come to understand that historic value includes architectural and archeological value as well. Now we also recognize that in preserving a historic environment, the whole may often be more significant than merely the sum of its parts. We accept the concept of historic districts, including even properties not of themselves truly significant, but worthy of preservation as parts of a greater historic neighborhood. Thus, historic preservation now encompasses the rehabilitation or restoration of inner city townhouses, old factories, public buildings, and other places which constitute permanent records of the architectural, archeological, or human history of the Nation, State, or locality.

The most important development of all in the progress of historic preservation has been the recent recognition that historic property is valuable not only for the sense of the past it may give us, but also for the special benefits to be derived from its continued present and future use. Those benefits are, first, that continued use of these monuments for compatible activities affords citizens the opportunity to encounter their cultural heritage in a personal way as they go about the activities of their daily lives; and second, that continued use of such properties may generate the wherewithal to preserve, renovate, and maintain them. In addition, in many instances, the creative reuse of a historic building may help to rejuvenate older parts of our cities, where their maintenance as empty monuments or sterile museums would otherwise contribute little. S. 1152 has been drafted to permit the Federal Government to take creative reuse and its special benefits into account when donating historic surplus properties to the States and cities.

Under existing law (sec. 13(h) of the Surplus Property Act of 1944), surplus property determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument, may be conveyed to any State, political subdivision, instrumentality thereof, or municipality. The statute, however, contains no authorization for any use of the property other than as a historic monument. Thus, creative, revenue-producing uses are not presently authorized.

Section 13(h) has made possible the donation of many properties of historic significance to State and local governments. We have prepared a list of properties donated under this authorization and I respectfully request that they be included in the record at this point.

Senator BIBLE. Without objection, that will be the order.

(The list referred to follows:)

ACCUMULATIVE LISTING OF FEDERAL SURPLUS REAL PROPERTY CONVEYED (OR ACTION ON CONVEYANCE PENDING) FOR HISTORIC MONUMENT PURPOSES UNDER PROVISIONS OF SEC. 13(h) OF THE SURPLUS PROPERTY ACT OF 1944, AS AMENDED—DEC. 30, 1970

Name of property (and BOR region)	Location	Applicant	Acreage	Date of conveyance
Alabama (SE): Mobile Point Range Rear Light Station. (T-Ala-413) (T-Ala-523)	Baldwin County, (Fort Morgan).	State of Alabama	0.07 .07	¹ Apr. 10, 1957 ² May 29, 1967
Arizona (PSW): Old Customs House Site (G-Ariz-426). Yuma Quartermaster Depot (S-Ariz-514A, I-Ariz-514B).	Yuma County do	City of Yuma do	.96 .77	¹ Apr. 15, 1957 ² June 3, 1969
California (PSW): Camp Elliott (Old Mission Dam) (N-Calif-694A). Crescent City Light Station Hospital Cove (Angel Island) (G-Calif-475).	San Diego County Del Norte County Marin County	City of San Diego County of Del Norte State of California	46.29 2.00 35.50	¹ Jan. 10, 1964 ² Dec. 15, 1969 ¹ Mar. 10, 1954
Delaware (NE): Inland Waterway-Lums Pond Area (D-Del-417B).	New Castle County	State of Delaware	5.04	² Oct. 24, 1966
Florida (SE): Fort Pickens Military Reservation (W-Fla-148). Key West Light Station (T-Fla-553). Post Office and Custom House (G-Fla-646).	Escambia County (Santa Rosa Island). Monroe County St. John County (St. Augustine).	State of Florida County of Monroe State of Florida	87.00 .74 1.10	¹ Nov. 3, 1949 ¹ Nov. 30, 1962 Jan. 16, 1967
Idaho (PNW): Army Reserve Center Site (No assigned number).	Ada County	City of Boise	.02	¹ Nov. 4, 1960
Louisiana (SE): Old Mint Building and Site (G-La-417A).	Orleans Parish	State of Louisiana	1.60	² Aug. 5, 1966
Maine (NE): Fort Foster Military Reservation (N-Me-475). Fort Gorges (T-Me-476). Fort Madison (D-Me-484). Fort McClary Military Reservation (D-Me-485). Fort Point Light Station (T-Me-455). Fort Popham Light Station: (G-Me-12). (T-Me-409). Perkins Island Light Station: (T-Me-517).	York County Cumberland County Hancock County York County Waldo County Sagadahoc County (Phippsburg). Sagadahoc County (Kennebec).	Town of Kittery City of Portland Town of Castine State of Maine do do do	40.00 1.50 3.00 1.87 5.00 .74 .11 6.98	¹ Feb. 2, 1961 ¹ Sept. 9, 1960 ¹ Jan. 26, 1961 ¹ Apr. 4, 1961 ¹ Feb. 5, 1958 ¹ May 8, 1949 ² Oct. 1, 1969 ¹ Nov. 27, 1964
Maryland (NE): Drum Point Light-house Station (T-Md-475).	Calvert County	State of Maryland	5.00	¹ May 25, 1964
Massachusetts (NE): Castle Island (D-Mass-552). Custom House & Post Office (G-Mass-535). Fort Warren (D-Mass-456). Post Office Site, vacant land (G-Mass-664). Springfield Armory (D-Mass-655).	Suffolk County (Boston). Barnstable County Suffolk County (Boston Harbor). Plymouth County Hampden County	Commonwealth of Massachusetts Town of Barnstable Commonwealth of Massachusetts Town of Plymouth City of Springfield	15.00 .33 28.00 .16 5.26	¹ Oct. 11, 1962 ¹ Feb. 5, 1960 ¹ June 5, 1958 Nov. 13, 1968 ² Mar. 28, 1968 ²
Michigan (LC): Old Fort Area (Fort Wayne) (W-Mich-114). (D-Mich-559). Old Mackinaw Point Light Station (T-Mich-490).	Wayne County Cheboygan County	City of Detroit State of Michigan	19.33 60.41 .59	¹ May 11, 1949 ¹ Apr. 20, 1960
Minnesota (LC): Fort Snelling. (V-Minn-40211). (V-Minn-402L). North Superior Lifeboat Station (T-Minn-438A). Coast Guard Light Station (U-Minn-477).	Hennepin County (St. Paul) Cook County (Grand Marais) Lake County (Split Rock)	State of Minnesota County of Cook State of Minnesota	320.00 21.25 .30 7.60	¹ Oct. 27, 1961 ² Oct. 1, 1969 ² Jun. 1, 1966
Mississippi (SE): Biloxi Light (T-Miss-482).	Harrison County	City of Biloxi	.64	² Aug. 26, 1968
Missouri (LC): Jefferson Barracks. (W-Mo-34). (W-Mo-400).	St. Louis County	County of St. Louis.	134.54 11.55 1.94	¹ Sept. 27, 1950 ¹ June 6, 1961 ²³ July 28, 1967
New Hampshire (NE): Fort Constitution: (D-NH-417) (T-NH-426).	Rockingham County (New Castle).	State of New Hampshire	3.00	¹ July 26, 1954
New Jersey (NE): Navesink Light Attendant Station (T-NJ-412).	Monmouth County	Borough of Highlands		

ACCUMULATIVE LISTING OF FEDERAL SURPLUS REAL PROPERTY CONVEYED (OR ACTION ON CONVEYANCE PENDING) FOR HISTORIC MONUMENT PURPOSES UNDER PROVISIONS OF SEC. 13(h) OF THE SURPLUS PROPERTY ACT OF 1944, AS AMENDED—DEC. 30, 1970—Continued

Name of property (and BOR region)	Location	Applicant	Acreage	Date of conveyance
New York (NE): Plattsburgh AFB, Fort Brown Parcel (D-NY-617).	Clinton County.....	City of Plattsburgh.....	2.85 ²	Mar. 23, 1967
Rock Island Light Station (U-NY-647).	Jefferson County.....	Thousand Islands Bridge Authority.	4.00 ²	Dec. 10, 1970
North Dakota (MC): Camp Hancock (C-ND-401).	Burleigh County (Bismarck).	State of North Dakota....	.92 ¹	May 2, 1951
Ohio (LC): Fairport Harbor Coast Guard Station (T-Ohio-424).	Lake County.....	Village of Fairport.....	1.01	May 13, 1953 ¹
Rhode Island (NE): Fort Adams (N-RI-441).	Newport County.....	State of Rhode Island....	56.26	May 19, 1965 ²
Prospect Hill Military Reservation (N-RI-443).	do.....	Town of Jamestown.....	17.97	Oct. 7, 1963 ¹
South Carolina (SE): Harbor Defenses (Ft. Moultrie) (S-SC-44).	Charleston County.....	State of South Carolina...	99.84	Mar. 6, 1950 ¹
Utah (PSW): Fort Douglas Military Reservation (D-Utah-415E).	Salt Lake County.....	State of Utah.....	40.00	(4)
Virginia (SE): Dutch Gap, Farrar Island (T-Va-484).	Henrico County.....	County of Henrico.....	0.41	Nov. 14, 1960 ¹
Washington (PNW): Fort Canby Military Reservation (D-Wash-493).	Pacific County.....	State of Washington....	272.00	Sept. 23, 1957 ¹
Fort Casey Military Reservation (D-Wash-471).	Island County (Whidbey Island).	do.....	115.00	Dec. 2, 1955 ¹
Fort Columbia Military Reservation (H-Wash-82).	Pacific County (Chinook).....	do.....	285.00	May 12, 1950 ¹
(D-Wash-459).			8.10	June 20, 1954 ¹
(GR-Wash-459A).			300.10	May 13, 1958 ¹
Fort Flagler Military Reservation (D-Wash-470).	Jefferson County (Marrowstone Island).	do.....	89.00	Dec. 2, 1955 ¹
VA Hospital Reservation (V-Wash-474).	Walla Walla County.....	City of Walla Walla....	7.00	Jan. 15, 1958 ¹

¹ Deed restriction: 20-year use requirement.

² Deed restriction: Perpetuity use requirement.

³ Original deed conveyed 1.75 acres, Aug. 23, 1960.

⁴ Application rejected by GSA.

⁵ Part of Fort Columbia Historic Park.

Mr. TRIMMER. This list would be a great deal longer, but for the fact that in many instances State and local governments decline to apply for these properties because they cannot or will not expend the funds necessary to restore and maintain them solely as historic monuments.

The problem is well illustrated in the cases of two surplus buildings now under GSA control—the old U.S. mint in San Francisco and the old U.S. customhouse and courthouse in St. Louis. The fate of these buildings, both of them national historic landmarks, is uncertain. Supporters of their preservation are not lacking, and imaginative proposals for their use have been advanced, but no one has come forward with the money needed to restore and maintain them, and present law does not permit their use in a manner that will generate the necessary capital for their restoration and renovation.

Senator ANDERSON. Has the courthouse no funds at all? Have they not put some money behind that now, the courthouse in St. Louis?

Senator BIBLE. The question is have we not spent some money on the courthouse in St. Louis?

Mr. TRIMMER. Let me ask Mr. Philip Johnson, from the Office of the Commissioner of Public Buildings Service, that.

Mr. JOHNSON. My name is Philip Johnson. I am Special Assistant to the Commissioner of Public Buildings Service, GSA.

I think you might be referring to the old courthouse which is included as a part of the Jefferson National Memorial Park, which is a part of the National Park System. That indeed has been renovated

several years ago, I believe, and is in use now as the headquarters for park service in St. Louis and also as a museum. This is not the building to which we are referring, sir.

Senator BIBLE. This is a different building?

Mr. JOHNSON. Yes, sir.

Senator BIBLE. The old customhouse and courthouse in St. Louis is a different building than the courthouse that is being used as a part of the Jefferson National Memorial—that is what they call the Jefferson Arch?

Mr. JOHNSON. Yes, sir. I do not know the exact name for the arch, but we are talking about two different buildings here.

The one we are referring to is commonly called the old post office in St. Louis. It is right in the heart of the downtown.

Senator BIBLE. All right. You may proceed.

Mr. TRIMMER. It is referred to as the old post office, although I guess its technical name is the old courthouse and customhouse.

Senator ANDERSON. They had a commission out there building the arch?

Senator BIBLE. The question did not involve a commission charged with the responsibility of building the arch and restoring the courthouse?

Mr. JOHNSON. Yes, sir; I believe you are right. But again, the arch and the courthouse are a part of the plan for St. Louis which involves a mall and so forth. These do not deal with the old post office, which is in another part of town.

Senator BIBLE. Very well. We are clear on that now. You have made the record. That is why we asked the question.

Thank you, Senator Anderson.

Senator ANDERSON. I asked you the question because I am a member of the commission.

Senator BIBLE. I know you are. I am a fellow member, too.

Mr. TRIMMER. It is the primary purpose of S. 1152 to remedy situations like these, by permitting revenue-producing activities that are compatible with the historic nature of the property. Technically, S. 1152 repeals section 13(h) of the Surplus Property Act of 1944, and adds a new subsection to that section of the Federal Property and Administrative Services Act of 1949 (section 203(k)), which deals generally with the disposal of surplus property. This treatment parallels the action taken in Public Law 91-485, approved October 22, 1970, which repealed that portion of section 13(h) under which surplus property could be conveyed for park and recreational purposes for 50 percent of its fair value, and added a new subsection to section 203(k) of the Federal Property Act authorizing the conveyance of surplus property for park and recreational purposes at a public benefit discount of up to 100 percent. In other words, we are now in a situation, Mr. Chairman, where we are able to convey property for park and recreational use to States and municipalities for free.

S. 1152 would permit the Administrator of General Services to authorize revenue-producing activities on property he conveys for historic monument purposes only if the Secretary of the Interior approves both the compatibility of the proposed activities, and the grantee's plans for repair, rehabilitation, restoration, and maintenance of the property and for financing that work. No plan for financing could be approved unless it contained a provision that any income in excess of

the costs of repair, rehabilitation, restoration, and maintenance would be used by the grantee exclusively for park and recreational purposes.

Under the bill, responsibility for the determination of suitability and desirability of property as a historic monument will remain with the Secretary of the Interior, who will consult with the Advisory Board on National Parks, Historic Sites, Buildings and Monuments. We believe that the Board's professional judgment will insure proper recognition of historic or architectural significance, and also prevent the inclusion of properties of insufficient importance to our national heritage. Tasteless exploitation of properties conveyed for historic monument use would be prevented by the Secretary's control over the nature of the revenue-producing activities to be permitted, and the requirement that excess income be used for park and recreation purposes.

This, then, is the heart of the bill—making possible the preservation of properties for future generations—properties which otherwise might be lost for all time—and providing the means for their maintenance without depreciation of their dignity as monuments.

Other improvements over present law have been incorporated in the bill. For instance, the Surplus Property Act presently provides that no property shall be determined suitable or desirable for use as a historic monument if its area exceeds that necessary for the preservation and proper observation of the "historic monument situated thereon." This has been changed to "its historic features" in order to make clear that a structure is not the only feature that may endow a property with historical significance. Subsurface archeological remains, earthworks, or simply the site or setting of significant past events, such as a battle, may be as worthy of preservation for historic monument purposes as an historic building. Although buildings will continue to be the usual kind of property conveyed, the law should not imply that the presence of a building on a property is an essential qualification for its conveyance for historic monument purposes.

The Surplus Property Act presently provides that no property shall be determined to be suitable and desirable for historic monument purposes if "its historical significance relates to a period of time within 50 years immediately preceding." The draft bill eliminates this restriction. Generally accepted indices of historical significance, such as the National Register of Historic Places, permit inclusion of a property less than 50 years old if it is judged of exceptional importance. The surplus property laws should not set more stringent requirements. Events of great historical significance may well occur in buildings that become surplus before 50 years have passed.

It would be unfortunate, for example, if historic places associated with the development of atomic energy or the space program could not be judged historic monuments because of existing restrictions.

Senator BIBLE. What buildings would you have in mind there, "if historic places associated with the development of atomic energy or the space program could not be judged historic monuments because of existing restrictions?"

Mr. TRIMMER. We are thinking here of various areas such as Cape Kennedy, which has obviously had a very significant role in our space program. There may well be areas there or facilities which may become surplus to the Federal Government's needs prior to the running

of this 50-year period, and which should be preserved as historic landmarks. But under existing law, they could not be preserved, since their preservation is only authorized after a period of 50 years has passed since their construction.

Senator BIBLE. What historic place can you associate with the development of atomic energy, if you know?

Mr. TRIMMER. I do not know that we have specific examples in mind there, sir. I think we were using this as a category of significant activity, and a significant part of our history, a category on which specifics might be developed, that would be worthy of preservation.

Senator BIBLE. They say that they do not specifically have the example. But why not check with Dr. Seaborg, who is the Chairman of the Atomic Energy Commission, and maybe he can give an example. Maybe this is where the germ of the atomic energy was born, I am not positive. But back up your broad statement with an example.

Mr. TRIMMER. May we insert that in the record?

Senator BIBLE. Yes; you may.

Mr. TRIMMER. We will certainly do that, Mr. Chairman.

(The information referred to follows:)

We could cite as an example of a place with significance in the development of atomic energy the Atomic Energy Commission's testing facility at Los Alamos, New Mexico. Although the AEC does have some disposal authority, they have reported property to us in the past. It might be possible, therefore, that this property could be reported to GSA for disposal before it became 50 years of age.

Senator BIBLE. All right. You may proceed.

Mr. TRIMMER. The Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has an administrative mechanism to insure that the less restrictive standard of the draft bill will not be abused.

The Surplus Property Act presently provides that the deed of conveyance of any surplus property donated for historic-monument purposes shall provide that all such property shall be used and maintained for the purpose for which it was conveyed for a period of not less than 20 years. In practice, GSA has required this continuance of use in perpetuity. The draft bill changes the statutory requirement from 20 years to perpetuity, conforming to practice. Public Law 91-485, approved October 22, 1970, relating to conveyance of surplus property for park and recreational purposes, contains a similar requirement.

The long-range impact of this legislation lies in its encouragement of public and private preservation activity. Such imaginative developments as the Cannery and Ghirardelli Square in San Francisco have already demonstrated that our older buildings can be brought to life again.

Senator BIBLE. Have you ever been in those two areas?

Mr. TRIMMER. Yes, sir; I am a former resident of San Francisco.

Senator BIBLE. I think they are the two finest examples you can use. Whoever had enough imagination to convert the Cannery and Ghirardelli Square deserves some sort of award. I am glad to find somebody who has been to those two places. Very often, places like that are mentioned by people who have never been there and do not know what they are talking about.

So you are out of San Francisco?

Mr. TRIMMER. Yes, sir.

Senator BIBLE. All right, we will give you a plus for that.

Mr. TRIMMER. This legislation will demonstrate the Government's willingness to encourage such imaginative ventures. More immediately, this legislation may favorably resolve the fate of the old U.S. mint in San Francisco and the old U.S. custom house and court house, or post office, as it is referred to, in St. Louis. If these great landmarks are saved, their preservation will serve as an example to State and local governments all across the country.

Mr. Chairman, the preservation of that which is good is as important as the elimination of that which is not. The General Services Administration wholeheartedly supports this legislation and urges its prompt enactment.

Senator BIBLE. Now, carry that just a bit further. You appear to have some knowledge in this area, particularly Ghirardelli Square and the Cannery.

Take the U.S. mint in San Francisco, with which I have some familiarity over a great many years. What would you propose doing to that? Would you turn that over to the city of San Francisco? Is that the proposal?

Mr. TRIMMER. Mr. Chairman, we have currently underway a feasibility study to determine what prospective uses could be made of the old mint. As you are well aware, there is substantial pressure within the bay area for the preservation of this project and we certainly fully sympathize with the interest of the local people. At the moment, however, our studies show that the renovation of the building for further Government use is not economical.

Senator BIBLE. Assuming it has no further Government use, and we will concede that for the purpose of the illustration. It has no further Government use. A group of civic-minded citizens in San Francisco say, "we would like to preserve it because it is an important part of San Francisco's history." If it is donated to us—maybe it is the city of San Francisco, maybe Mayor Alioto or the city council say, well, we would like a park in that district for the city of San Francisco, but we will bear the cost of renovating and rehabilitating it and we will put some shops in similar to what you have at the Cannery or Ghirardelli Square, which will give it a revenue base and make it a producer. Is that how this works?

Mr. TRIMMER. That is what is contemplated, Mr. Chairman, exactly.

Senator BIBLE. Does that mean that the next thing that will happen will be your appearing before the Appropriations Committee and saying, we will need \$10 million to rehabilitate the old U.S. mint?

Mr. TRIMMER. No, sir; no Federal expenditure would be involved here whatsoever. The cost of restoration and maintenance would be financed from the revenue-producing activities.

Senator BIBLE. Well, now, of course, you are going to have to have some sponsoring agency do that. Does it have to be a public agency?

Mr. TRIMMER. It must be a public agency which accepts the conveyance and presents the plan for restoration and maintenance; yes, sir. But this does not prevent the public agency from entering into a contractual relationship with a private party in that regard.

Senator BIBLE. Well, I can understand that and I am for preserving many of these areas. I think the old U.S. mint in San Francisco should be preserved. But if it were to be preserved by San Francisco, who would be the sponsoring governmental agency? Would they enter into their own arrangements with private enterprise for the rehabilitation

and in terms of that, would they rent out space and try to make it a revenue producer or at least self-supporting? Is that what you are saying?

Mr. TRIMMER. This would be it, Senator; yes, sir, exactly.

Senator BIBLE. All right. Senator Anderson?

Senator ANDERSON. I have no questions.

Senator BIBLE. I appreciate your appearance here, gentlemen, you have been very effective.

Without objection, the hearing on S. 1152 is closed.

(Whereupon, at 11:45 a.m., the subcommittee was adjourned.)

(Subsequent to the hearing the following communications were received:)

STATEMENT OF JAMES BIDDLE, PRESIDENT, NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. Chairman, I appreciate the opportunity the Committee has afforded me as President of the National Trust for Historic Preservation to make a statement concerning legislation for consideration by the Committee which, in my judgment, has great importance to the preservation movement insofar as it relates to Federal properties.

Mr. Chairman, the National Trust for Historic Preservation is, as you know, the sole national organization chartered by the Congress of the United States to facilitate public participation in a program to preserve buildings, sites, and objects significant in American history and culture. I am proud to be President of that organization at a time the Federal Government is demonstrating increasingly its interest in the preservation of Federal properties of historic significance. Perhaps the greatest impetus toward a concerted effort to preserve properties by both the private and public sectors was written into law when the Congress enacted Public Law 89-665 approved by President Johnson on October 15, 1966. The policy declaration is so significant that I think it bears repetition:

"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, although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, 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."

This statement of policy and the legislative authority provided therein set in motion action throughout the Nation to identify not only properties of national significance but those of local significance. The ground swell of pride on the part of people throughout the Nation in preservation of these properties is being manifested continuously. It is even reflected in the marked increase in the growing membership and participation nationwide in the National Trust for Historic Preservation.

Important as this statutory impetus has been and continues to be, it is not enough to identify properties of historic significance and to depend solely on public or private benevolence for their maintenance and support. As President Nixon pointed out in his Message to the Congress on his 1971 Environmental Program early this year, incentives by way of tax concessions or otherwise need to be accorded those who are prepared to invest dollars today to assure that those who follow us tomorrow will have the rich heritage of yesterday. To assure that the Federal establishment is setting the proper example for the maintenance

of properties having historical significance, the President issued Executive Order 11593 on May 13, 1971, assigning definite responsibilities on Federal agencies for identifying and preserving properties under their control and on the Secretary of the Interior for providing guidelines, procedures and assistance in a nationwide effort to preserve such properties which remain in the Federal establishment.

S. 1152 attacks the problem of historic preservation on another front. It is designed to amend a law first enacted in 1944 for the disposition of surplus Federal property for use as historic monuments, so as to enable grantees to utilize such properties for revenue producing purposes not inconsistent with their historic character, the income from such activities to be used to defray the cost of their care and maintenance. The National Trust for Historic Preservation fully supports the objectives of the bill. The historic preservation movement in the United States has come to realize that not every significant American building should become a museum. Indeed, only the most significant buildings and structures should be used for those purposes. The National Trust for Historic Preservation supports, and has for many years, the adaptive use of historic properties in a manner which will assure that they provide vital, useful service to their communities while assuring their preservation. This, of course, requires in many instances that such properties produce revenue to absorb the cost of rehabilitation, restoration and maintenance and where developed for commercial use by private entrepreneurs or quasi-public bodies serving in this capacity, the income stream from such activity must be sufficient to provide a reasonable return on the investment of risk capital involved in the cost of adaptations. Because the 1944 Act was designed essentially for the purpose of disposing of World War II-generated surplus properties and preceded by two decades the real awakening that has occurred in the last 10 years concerning the need to identify and preserve these vital links to our rich physical heritage, it did not contemplate the need for adaptive uses of conveyed surplus historic properties to assure their preservation.

We urge your committee's favorable consideration of this bill.
Thank you.

LINCOLN, NEBR., June 1, 1971.

HON. HENRY JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I understand that Bill Number S. 1152, which would authorize the transfer of Historic Surplus Federal Property to cities and states without cost, for use as revenue producers, has been referred to the Committee on Interior and Insular Affairs. This bill would do a great deal of good in insuring the future of many Historic sites across the nation, such as Lincoln's Pioneer Land Office, or Old City Hall which may soon be under adaptive use studies, and would make unnecessary a bill enacted by Senators Curtis and Hruska last year but defeated in regards to the transfer of Old City Hall to Lincoln. So for the sake of expanding the very necessary efforts to preserve and put to good use the Historic Federal Property in Nebraska, Washington, and all the other states, and for the sake of posterity, please support Bill Number S. 1152. Thanking you in advance for any help you can give, I remain.

Sincerely yours,

JEFF CAPLAN.

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