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LOWELL NATIONAL PARK; ARCHEOLOGICAL
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HEARING
BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2566

A BILL TO AMEND THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION ACT OF 1972 TO AUTHORIZE APPROPRIATIONS AND BORROWINGS FROM THE UNITED STATES TREASURY FOR FURTHER IMPLEMENTATION OF THE DEVELOPMENT PLAN FOR PENNSYLVANIA AVENUE BETWEEN THE CAPITOL AND THE WHITE HOUSE, AND FOR OTHER PURPOSES

S. 2699

A BILL TO AMEND THE ACT OF JUNE 27, 1960 (74 STAT. 220) AS AMENDED BY THE ACT OF MAY 24, 1974 (88 STAT. 174, 176; 16 U.S.C. 469) RELATING TO THE PRESERVATION OF HISTORICAL AND ARCHEOLOGICAL DATA; TO AUTHORIZE APPROPRIATIONS UNDER SECTIONS 3(b) AND 4(a) FOR FISCAL YEARS 1979 THROUGH 1983, AND FOR OTHER PURPOSES

S. 2817

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF THE LOWELL NATIONAL HISTORICAL PARK IN THE COMMONWEALTH OF MASSACHUSETTS, AND FOR OTHER PURPOSES

APRIL 6, 1978

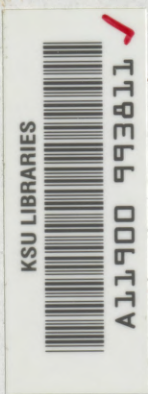
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(III)

LOWELL NATIONAL PARK; ARCHEOLOGICAL SALVAGE; AND PADC

THURSDAY, APRIL 6, 1978

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 3110, Dirksen Office Building, Hon. James Abourezk presiding.

Present: Senators Abourezk, Metzenbaum, and Hansen.

Also present: Thomas B. Williams and Laura L. Beaty, professional staff members; and Suzan Fetchko, secretary.

OPENING STATEMENT OF HON. JAMES ABOUREZK, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator ABOUREZK. The hearing will come to order. The purpose of the hearing this morning is to receive testimony on three measures currently pending before the subcommittee: S. 2817, to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts; S. 2699, to amend the Archeological and Historical Preservation Act of 1974; and S. 2566, to amend the Pennsylvania Avenue Development Corporation Act of 1972.

The first measure to be heard this morning is the Lowell National Historical Park proposal. As I am sure you are all aware, the House Interior Committee has moved quickly on a companion measure, and House floor action is expected early next week.

Therefore, it is important for this committee to begin its consideration of this proposal. With regard to the other two proposals, both these bills would amend existing law to provide additional authorization for two programs which will expire on September 30, 1978, unless these amendments are enacted.

As all three proposals would authorize funds for fiscal year 1979, it is important that the committee complete its action on the measures prior to the May 15 budget deadline.

I would like to ask Senator Kennedy if he would like to begin the opening remarks, and then Senator Brooke and Congressman Tsongas.
[The texts of the bills and departmental reports follow:]

95TH CONGRESS
2D SESSION

S. 2566

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23 (legislative day, FEBRUARY 6), 1978

Mr. JACKSON (for himself and Mr. HANSEN) (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and borrowings from the United States Treasury for further implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, 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 the Pennsylvania Avenue Development Corporation
4 Act of 1972 (Public Law 92-578; 86 Stat. 1266), as
5 amended, is further amended as follows:

6 (1) By striking—

7 (a) in paragraph (c) of section 3: “(6) The
8 Commissioner of the District of Columbia;” and by

1 substituting in lieu thereof "(6) The Mayor of the
2 District of Columbia;" and by inserting "The Mayor"
3 in lieu of "The Commissioner" of the District of Colum-
4 bia, wherever it occurs in this Act;

5 (b) in paragraph (c) of section 3: "(7) The
6 Chairman, District of Columbia Council;" and by in-
7 serting in lieu thereof "(7) The Chairman, Council
8 of the District of Columbia";

9 (c) in paragraph (g) of section 3: "(8) The
10 Chairman of the District of Columbia Redevelopment
11 Land Agency." and by inserting in lieu thereof "(8)
12 The Director of the District of Columbia Department of
13 Housing and Community Development.";

14 (d) in paragraph (a) of section 4: "subchapter
15 53" and by inserting in lieu thereof "subchapter III of
16 chapter 53";

17 (e) in paragraph (f) of section 5: "The District
18 of Columbia government, and the District of Columbia
19 Redevelopment Land Agency." and by inserting in lieu
20 thereof "and the District of Columbia government.";

21 (f) in paragraph (b) of section 8; "Redevelop-
22 ment Land Agency" wherever it occurs and by insert-
23 ing in lieu thereof "government".

24 (2) By striking in paragraph (10) of section 6 the
25 figure "\$50,000,000" and inserting in lieu thereof "\$100,-

1 000,000" and, by striking in that paragraph the date
2 "June 3, 1980" and inserting in lieu thereof "September 30,
3 1990".

4 (3) By redesignating paragraphs "(19)" through
5 "(22)" in section 6 as paragraphs "(21)" through "(24)"
6 and by inserting the following new paragraphs:

7 "(19) shall request the Council of the District of
8 Columbia, when required for implementation of the de-
9 velopment plan, to close any street, road, highway,
10 alley, or any part thereof in the development area. If
11 the title to the street, road, highway, or alley so closed
12 is in the United States, the Mayor of the District of
13 Columbia shall convey the title to the land on behalf of
14 the United States to the Corporation, without cost, ex-
15 cept that the Corporation shall reimburse the District of
16 Columbia for the administrative expenses of the action.
17 If the title to the street, road, highway, or alley so closed
18 is not in the United States, the Mayor shall convey title
19 to the land on behalf of the District of Columbia to the
20 Corporation, without cost, except that the Corporation
21 shall reimburse the District of Columbia for the admin-
22 istrative costs of the action: *Provided*, That if the land
23 would have reverted to a private abutting property
24 owner under otherwise applicable law of the District of
25 Columbia, the Corporation shall pay such owner the fair

1 market value of the land that would have reverted to
2 him.

3 “(20) may transfer title to, interests in, or jurisdic-
4 tion over real property which has been acquired by the
5 Corporation and is to be devoted to public uses under the
6 development plan, to any agency of the United States or
7 the District of Columbia. Agencies of the United States
8 or the District of Columbia may accept such transfers
9 under this paragraph, and shall thereafter administer and
10 maintain the property in accordance with the develop-
11 ment plan and the terms of any transfer agreement. The
12 Director of National Park Service may transfer title to
13 or interest in public reservations, roadways, spaces, or
14 parks under his jurisdiction within the development area
15 to the Corporation to facilitate implementation of the
16 development plan; and, notwithstanding any other pro-
17 vision of law, the Corporation may utilize such trans-
18 ferred property for any public or private development
19 consistent with the plan.”.

20 (4) By striking in subsection 17 (a) all after the phrase
21 “through September 30, 1976;” and inserting in lieu thereof
22 “and \$2,000,000 each, for the fiscal years ending Septem-
23 ber 30, 1979, and September 30, 1980.”; and by striking
24 in subsection 17 (b) all before the proviso, and inserting in
25 lieu thereof, “To carry out implementation of the develop-

1 ment plan authorized by section 5 of this Act, there is au-
2 thorized to be appropriated to the Corporation until Septem-
3 ber 30, 1980, such sums as may be necessary, and any
4 amount so appropriated shall remain available for obligation
5 until September 30, 1990.”.

95TH CONGRESS
2D SESSION

S. 2699

IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, FEBRUARY 6), 1978

Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. ABOUREZEK, Mr. EASTLAND, Mr. KENNEDY, Mr. WILLIAMS, Mr. HASKELL, and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Act of June 27, 1960 (74 Stat. 220) as amended by the Act of May 24, 1974 (88 Stat. 174, 176; 16 U.S.C. 469) relating to the preservation of historical and archeological data; to authorize appropriations under section 3 (b) and 4 (a) for fiscal years 1979 through 1983, 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 the Act of June 27, 1960 (74 Stat. 220) as amended
4 May 24, 1974 (88 Stat. 174, 176; 16 U.S.C. 469) is
5 amended as follows:

6 (1) In section 7(b), delete the "and" following
7 "1977;"; change the period at the end of the sentence to

1 a semicolon; and add the following words: "\$500,000 in
2 fiscal year 1979; \$1,000,000 in fiscal year 1980; \$1,500,000
3 in fiscal year 1981; \$1,500,000 in fiscal year 1982; and
4 \$1,500,000 in fiscal year 1983."

5 (2) In section 7(c), delete the "and" following
6 "1977;"; change the period at the end of the sentence to
7 a semicolon, and add the following words: "\$3,000,000
8 in fiscal year 1979; \$3,000,000 in fiscal year 1980; \$3,-
9 500,000 in fiscal year 1981; \$3,500,000 in fiscal year
10 1982; and \$4,000,000 in fiscal year 1983."

11 (3) Add the following new subsection "(d)" to sec-
12 tion 7:

13 "(d) Beginning fiscal year 1979, sums appropriated
14 for purposes of section 7 shall remain available until
15 expended."



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 5 - 1978

Honorable Henry M. Jackson
Chairman, Committee on
Energy and Natural Resources
United States Senate
Washington, D. C. 20503

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 2699, a bill "To amend the Act of June 27, 1960 (74 Stat. 220) as amended by the Act of May 24, 1974 (88 Stat. 174, 176; 16 U.S.C. 469) relating to the preservation of historical and archeological data; to authorize appropriations under section 3(b) and 4(a) for fiscal years 1979 through 1983, and for other purposes."

We recommend the enactment of S. 2699, if it is amended as described herein.

S. 2699 amends the Reservoir Salvage Act of June 27, 1960, as amended on May 24, 1974 to continue the programs authorized thereunder for fiscal years 1979 through 1983. These programs consist of the scientific recovery, preservation and study of significant archeological or historic materials and data which might be irrevocably lost or destroyed during Federal or federally related, permitted or license construction activities.

S. 2699 extends these program authorizations for five more years: continue section 7(b) program - \$500,000 in fiscal year 1979; \$1,000,000 in fiscal year 1980; and \$1,500,000 in fiscal years 1981 - 1983; and continue section 7(c) programs - \$3,000,000 in fiscal year 1979; \$3,000,000 in fiscal year 1980; \$3,500,000 in fiscal years 1981 and 1982; and \$4,000,000 in fiscal year 1983.

The Reservoir Salvage Act of 1960 required the head of any Federal agency engaged in or licensing dam construction to notify the Secretary of the Interior of any plans for water resource development that might threaten archeological resources. The Secretary was authorized to undertake archeological salvage investigations in such project areas.

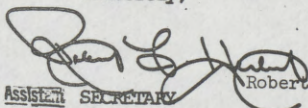
In 1974, the inter-agency archeological investigations and salvage program was extended to all Federal, federally assisted, and federally permitted or licensed projects that might impact adversely on archeological and historic resources. As much as one percent of the total amount authorized to be appropriated for a Federal project could be applied to the recovery of archeological materials and data by the Federal agency responsible for a federal construction project or federally licensed project, activity, or program. These funds are available after the Federal planning process is completed and a decision to proceed with a given project has been made. The 1974 amendment also provided funding to the Secretary of the Interior -- for fiscal years 1974 through 1978 -- for purposes of programs administration and for investigations and salvage with regard to Federal or federally related projects in which the responsible Federal agency has no authority to fund salvage costs itself; has not received the appropriation or reprogramming of the authorized one percent funding; or, requires additional assistance to satisfactorily salvage the resource.

We recommend the enactment of S. 2699 if it is amended to extend the authorizations for these programs as follows: to continue section 7(b) programs for FY 1979 - \$300,000, for FY 1980 - such sums as may be necessary; and to continue section 7(c) programs for FY 1979 - \$2,000,000, for FY 1980 - such sums as may be necessary. All such appropriations would remain available until expended.

The program is now administered by the Heritage Conservation and Recreation Service. We believe that this program has accomplished outstanding results in preventing the irretrievable loss of significant data and artifacts that otherwise would have been destroyed as a result of Federal or federally related construction activities. It has also contributed to the expansion of scientific knowledge for the intellectual nourishment of the American people. Educational institutions, scientific organizations, and museums have directly contributed to the success of this program and are vitally concerned for its continuation.

The Office of Management and Budget has advised that enactment of this legislation, with our recommended amendments would be in accord with the program of the President.

Sincerely,


 ASSISTANT SECRETARY Robert L. Herbst

95TH CONGRESS
2D SESSION

S. 2817

IN THE SENATE OF THE UNITED STATES

APRIL 3 (legislative day, FEBRUARY 6), 1978

Mr. BROOKE (for himself and Mr. KENNEDY) introduced the following bill;
which was read twice and referred to the Committee on Energy and Natural
Resources

A BILL

To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, 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 SECTION 1. (a) The Congress finds that—

4 (1) certain sites and structures in Lowell, Massa-
5 chusetts, historically and culturally the most significant
6 planned industrial city in the United States, symbolize
7 in physical form the Industrial Revolution;

8 (2) the cultural heritage of many of the ethnic
9 groups that immigrated to the United States during

1 the late nineteenth and early twentieth centuries is still
2 preserved in Lowell's neighborhoods;

3 (3) a very large proportion of the buildings, other
4 structures, and districts in Lowell date to the period
5 of the Industrial Revolution and are important histori-
6 cal resources, including the five-and-six-tenths-mile
7 power canal system, seven original mill complexes, and
8 significant examples of early housing, commercial struc-
9 tures, transportation facilities, and buildings associated
10 with labor and social institutions; and

11 (4) despite the expenditure of substantial amounts
12 of money by the city of Lowell and the Commonwealth
13 of Massachusetts for historical and cultural preservation
14 and interpretation of Lowell, the early buildings and
15 other structures in Lowell may be lost without the assist-
16 : ance of the Federal Government.

17 (b) It is the purpose of this Act to preserve and inter-
18 pret the historically and culturally significant sites, struc-
19 tures, and districts in Lowell, Massachusetts, for the benefit
20 and inspiration of present and future generations by imple-
21 menting to the extent practicable the recommendations in the
22 report of the Lowell Historic Canal District Commission.

23 DEFINITIONS

24 SEC. 2. For purposes of this Act—

25 (1) the term "park" means the Lowell National

1 Historical Park, established by sections 101 (a) (1) of
2 this Act;

3 (2) the term "preservation district" means the
4 Lowell Historic Preservation District, established by
5 section 101 (a) (1) of this Act;

6 (3) the term "Commission" means the Lowell
7 Historic Preservation Commission, established by sec-
8 tion 301 (a) of this Act;

9 (4) the term "Secretary" means the Secretary of
10 the Interior; and

11 (5) the term "report of the Lowell Historic Canal
12 District Commission" means the report submitted to the
13 Congress by the Lowell Historic Canal District Com-
14 mission pursuant to an Act entitled "An Act to provide
15 for a plan for the preservation, interpretation develop-
16 ment and use of the historic, cultural, and architectural
17 resources of the Lowell Historic Canal District in
18 Lowell, Massachusetts, and for other purposes", ap-
19 proved January 4, 1975 (88 Stat. 2330).

20 TITLE I—ESTABLISHMENT OF PARK

21 ESTABLISHMENTS; BOUNDARIES

22 SEC. 101. (a) (1) To carry out the purposes of this Act,
23 there is established as a unit of the National Park System
24 in the city of Lowell, Massachusetts, the Lowell National
25 Historical Park. There is further established in an area ad-

1 jacent to the park the Lowell Historic Preservation Dis-
2 trict, which will be administered by the Secretary and by
3 the Commission in accordance with this Act. The boundaries
4 of the park and preservation district shall be the boundaries
5 depicted on the map entitled "Lowell National Historical
6 Park, Massachusetts", dated March 1978, and numbered
7 "Lowe-80,008A". Such map shall be on file and available
8 for inspection in the office of the National Park Service,
9 Department of the Interior, and in the office of the city clerk,
10 city of Lowell.

11 (2) The Secretary shall publish in the Federal Register,
12 as soon as practicable after the date of the enactment of this
13 Act, a detailed description and map of the boundaries estab-
14 lished under paragraph (1) of this subsection.

15 (b) The Secretary may make minor revisions of the park
16 and preservation district boundaries established under sub-
17 section (a) (1) of this section, after consulting with the Com-
18 mission and the city manager of Lowell, by publication of a
19 revised drawing or other boundary description in the Federal
20 Register; but no waters, lands, or other property outside of
21 the park or preservation district boundaries established under
22 such subsection may be added to the park or preservation dis-
23 trict without the consent of the city manager of Lowell and
24 the city council of Lowell. A boundary revision made under

1 this subsection shall be effective only after timely notice in
2 writing is given to the Congress.

3 COOPERATION OF FEDERAL AGENCIES

4 SEC. 102. (a) Any Federal entity conducting or sup-
5 porting activities directly affecting the park or preservation
6 district shall—

7 (1) consult with, cooperate with, and to the maxi-
8 mum extent practicable, coordinate its activities with the
9 Secretary and with the Commission; and

10 (2) conduct or support such activities in a manner
11 which (A) to the maximum extent practicable is con-
12 sistent with the standards and criteria established pur-
13 suant to section 302 (e) of this Act, and (B) will not
14 have an adverse effect on the resources of the park or
15 preservation district.

16 (b) Any applicant for a required Federal license or per-
17 mit to conduct an activity within the park or preservation
18 district shall provide in the application to the entity issuing
19 such a license or permit a certification that the proposed
20 activity will be conducted in a manner consistent with the
21 standards and criteria established pursuant to section 302
22 (e) of this Act and that such activity will not have an ad-
23 verse effect on the resources of the park or preservation dis-
24 trict. No such license or permit shall be granted by any such

1 entity if the Secretary finds that the granting of such license
2 or permit will have an adverse effect on such resources.

3 AUTHORIZATION OF APPROPRIATIONS

4 SEC. 103. (a) There are authorized to be appropriated
5 for fiscal years ending on or after September 30, 1979,
6 such sums as may be necessary to carry out this Act,
7 except that—

8 (1) the total of the amounts authorized to be
9 appropriated for all fiscal years for the purpose of
10 acquisition and development under the park manage-
11 ment plan established pursuant to section 201 (b) of this
12 Act and emergency assistance under section 205 (a) (1)
13 of this Act shall not exceed \$18,500,000; and

14 (2) the total of the amounts authorized to be ap-
15 propriated for all fiscal years for the purpose of carrying
16 out section 302 (b) (2) of this Act, for the payment
17 of grants and loans under section 303 of this Act, for
18 the acquisition of property under section 304 of this
19 Act, and for carrying out any transportation program
20 and any educational and cultural program described
21 in section 302 (c) of this Act shall not exceed
22 \$21,500,000.

23 (b) Funds appropriated under subsection (a) of this
24 section shall remain available until expended.

SPENDING LIMITATIONS

SEC. 104. Notwithstanding any other provision of this Act, no authority to enter into agreements or to make payments under this Act shall be effective except to the extent, or in such amounts, as may be provided in advance in appropriation Acts.

TITLE II—ROLE OF THE SECRETARY

PARK MANAGEMENT PLAN

SEC. 201. (a) The Secretary shall submit a statement to the Congress, within two years after the date on which funds are made available to carry out this Act, which—

(1) reports on the progress that the Secretary has made in acquiring the properties designated for acquisition under section 202 of this Act, and describes the way the Secretary intends to use these properties;

(2) designates the properties within the park and preservation district respecting which the Secretary has entered into or intends to enter into agreements relating to interpretive exhibits or programs under section 203

(a) of this Act;

(3) (A) reports on the progress of the Secretary in leasing a portion of the Lowell Manufacturing Company, located on Market Street, for the purpose of establishing a visitors' center in close proximity to

1 parking and other transportation facilities, and (B)
2 designates any other property within the park which the
3 Secretary has leased or intends to lease for purposes of
4 the park;

5 (4) reports any other activities which the Secretary
6 has taken or intends to take to carry out the purpose of
7 this Act; and

8 (5) contains a tentative budget for the park and
9 preservation district for the subsequent five fiscal years.

10 (b) (1) Not later than three years after the date on
11 which funds are made available to carry out this Act, the
12 Secretary shall establish and submit to the Congress a park
13 management plan containing the information described in
14 subsection (a) of this section. Such plan shall, upon request,
15 be available to the public.

16 (2) After consulting with the Commission, the city man-
17 ager of Lowell, and the Commonwealth of Massachusetts, the
18 Secretary may make revisions in the park management plan
19 established pursuant to paragraph (1) of this subsection by
20 publication of such revisions in the Federal Register. A
21 revision made under this paragraph shall be effective ninety
22 days after written notice of the revision is submitted to the
23 Congress.

24 ACQUISITION OF PROPERTY

25 SEC. 202. (a) (1) The Secretary shall acquire the
26 properties designated in paragraph (2) of this subsection,

1 or any interest therein, by donation, purchase with donated
2 or appropriated funds, condemnation, or otherwise. Any
3 property or interest therein owned by the Commonwealth
4 of Massachusetts or any political subdivision thereof may be
5 acquired only with the consent of the owner. The Secretary
6 may initiate condemnation proceedings under this para-
7 graph only after making every reasonable effort to acquire
8 property through negotiations and purchase, and consulting
9 with the Commission (if established) and the city council
10 of Lowell.

11 (2) The properties referred to in paragraph (1) of
12 this subsection are the following:

13 (A) The Linus Childs House, 63 Kirk Street.

14 (B) The H and H Paper Company (commonly
15 referred to as Boott Mill Boarding House), 42 French
16 Street.

17 (C) Old City Hall, 226 Merrimack Street.

18 (D) Merrimack Gatehouse, 269 Merrimack Street.

19 (E) The Wannalancit Textile Company, 562 Suf-
20 folk Street.

21 (F) The structures containing the Jade Pagoda
22 and Solomon's Yard Goods, 210 and 200 Merrimack
23 Street.

24 (b) Until the date on which the Commission conducts
25 its first meeting, the Secretary may acquire any property

1 within the park or preservation district not designated in
2 subsection (a) (2) of this section, or any interest therein,
3 if such property—

4 (1) is identified in the report of the Lowell His-
5 torical Canal District Commission as a property which
6 should be preserved, restored, managed, developed, or
7 maintained in a manner consistent with the purpose of
8 this Act;

9 (2) is listed in the National Register of Historic
10 Places, as maintained by the Secretary pursuant to sec-
11 tion 101 (a) of the Act entitled “An Act to establish
12 a program for the preservation of additional historic
13 properties throughout the Nation, and for other pur-
14 poses”, approved October 15, 1966 (16 U.S.C. 470a),
15 and section 2 (b) of the Act entitled “An Act to pro-
16 vide for the preservation of historic American sites,
17 buildings, objects, and antiquities of national signifi-
18 cance, and for other purposes”, approved August 21,
19 1935 (16 U.S.C. 462); or

20 (3) is determined by the Secretary to be of national
21 significance;

22 and would be subject to demolition or major alteration in a
23 manner inconsistent with the purposes of this Act unless
24 acquired by the Secretary. Such property may be acquired
25 only as provided in subsection (a) (1) of this section.

1 (c) The Secretary may acquire easements within the
2 park for the purpose of carrying out this Act. Such ease-
3 ments may be acquired only as provided in subsection (a)
4 (1) of this section.

5 AGREEMENTS AND TECHNICAL ASSISTANCE

6 SEC. 203. (a) The Secretary may enter into agreements
7 with any owner of property within the park to provide for
8 interpretive exhibits or programs. Such agreements shall pro-
9 vide, whenever appropriate, that—

10 (1) the public may have access to such property at
11 specified, reasonable times for purposes of viewing such
12 property or the exhibits or attending the programs estab-
13 lished by the Secretary under this subsection; and

14 (2) the Secretary may make such minor improve-
15 ments to such property as may be necessary to enhance
16 the public use and enjoyment of such property, exhibits,
17 and programs.

18 (b) (1) The Secretary shall provide, upon request,
19 technical assistance to—

20 (A) the city of Lowell to assist the city in estab-
21 lishing regulations or laws consistent with the standards
22 and criteria established pursuant to section 302 (e) of
23 this Act; and

24 (B) the Commission to assist the Commission in

1 establishing the index and the standards and criteria
2 required by section 302 of this Act.

3 (2) The Secretary may provide to any owner of prop-
4 erty within the park or preservation district, the Commission,
5 the Commonwealth of Massachusetts, the city of Lowell, and
6 any other Federal entity or any institution such technical
7 assistance as the Secretary considers appropriate to carry
8 out the purpose of this Act.

9 WITHHOLDING OF FUNDS

10 SEC. 204. (a) The Secretary may refuse to obligate or
11 expend any money appropriated for the purposes described
12 in section 103 (a) (1) of this Act or section 103 (a) (2)
13 of this Act if the Secretary determines that—

14 (1) the city of Lowell has failed to establish regula-
15 tions or laws consistent with the standards and criteria
16 established pursuant to section 302 (e) of this Act with-
17 in one year after the date such standards and criteria
18 have been established, except that the Secretary may
19 extend such one-year period for not more than six
20 months if the Secretary determines that the city has
21 made a good-faith effort to establish such regulations or
22 laws;

23 (2) the city of Lowell has failed to notify the Com-
24 mission of (A) applications for building permits or zon-
25 ing variances respecting any property which is included

1 in the index established pursuant to section 302 (d) of
2 this Act, or (B) any proposals of the city of Lowell to
3 change the regulations or laws described in paragraph
4 (3) (A) of this subsection;

5 (3) (A) during the period before the city of Lowell
6 has established regulations or laws consistent with the
7 standards and criteria established pursuant to section
8 302 (e) of this Act, the city of Lowell has granted any
9 building permit or zoning variance or has taken any other
10 action respecting any property within the park or pres-
11 ervation district, which both the Secretary and the Com-
12 mission consider to be inconsistent with such standards
13 and criteria;

14 (B) after the city of Lowell has established the
15 regulations or laws described in subparagraph (A) of
16 this paragraph, the city of Lowell has granted any build-
17 ing permit or zoning variance or has taken any other
18 action respecting any property within the park or pres-
19 ervation district, which both the Secretary and the Com-
20 mission consider to be inconsistent with such regulations
21 or laws; or

22 (4) the Commission has not made good-faith efforts
23 to (A) provide for the preservation, restoration, man-
24 agement, development, or maintenance of property
25 within the park and preservation district or (B) carry

1 out the park preservation plan approved under section
2 302 of this Act.

3 GENERAL ADMINISTRATIVE FUNCTIONS

4 SEC. 205. (a) (1) The Secretary, acting through the
5 National Park Service, shall take appropriate actions to
6 implement to the extent practicable the park management
7 plan established pursuant to section 201 (b) of this Act. In
8 carrying out such plan, the Secretary shall administer the
9 park in accordance with laws, rules, and regulations appli-
10 cable to the national park system. Before the date on which
11 the Commission conducts its first meeting, the Secretary
12 may take any other action considered necessary to provide
13 owners of property within the park or preservation district
14 with emergency assistance for the purpose of preserving and
15 protecting their property in a manner consistent with the
16 purpose of this Act.

17 (2) Subject to sections 204 and 302 (b) of this Act,
18 the Secretary shall make available to the Commission any
19 funds appropriated under section 103 (a) of this Act for
20 the purpose of carrying out title III of this Act.

21 (b) Notwithstanding any other provisions of law, the
22 Secretary may accept donations of funds, property, or serv-
23 ices from individuals, foundations, corporations, and other
24 private entities, and from public entities, for the purpose of
25 implementing the park management plan.

1 (c) The Secretary may sponsor or coordinate within
2 the park and preservation district such educational or cul-
3 tural programs as the Secretary considers appropriate to
4 encourage appreciation of the resources of the park and
5 preservation district.

6 (d) The Secretary may acquire such leases respecting
7 property within the park as may be necessary to carry out
8 the purpose of this Act.

9 TITLE III—ROLE OF THE COMMISSION

10 ESTABLISHMENT OF LOWELL HISTORIC PRESERVATION 11 COMMISSION

12 SEC. 301. (a) There is established within the Depart-
13 ment of the Interior a commission to be known as the Lowell
14 Historic Preservation Commission which shall administer
15 the preservation district and provide certain services within
16 the park in accordance with this title. The Commission
17 shall consist of fifteen members appointed by the Secre-
18 tary as follows:

19 (1) Three members who are members of the city
20 council of Lowell, appointed from recommendations
21 made by the mayor of Lowell.

22 (2) Three members appointed from recommenda-
23 tions made by the city manager of Lowell of persons
24 who are representative of organized labor, the business

1 community, local neighborhoods, and cultural institu-
2 tions, and who are not elected officials.

3 (3) One member appointed from recommendations
4 made by the president of the University of Lowell.

5 (4) Three members appointed from recommenda-
6 tions made by the Governor of the Commonwealth of
7 Massachusetts.

8 (5) One member appointed from recommendations
9 made by the Secretary of Commerce.

10 (6) One member appointed from recommendations
11 made by the Secretary of Transportation.

12 (7) One member appointed from recommendations
13 made by the Secretary of Housing and Urban Develop-
14 ment.

15 (8) Two members who are qualified to serve on
16 the Commission because of their familiarity with pro-
17 grams of the Department of Interior involving national
18 parks and historic preservation.

19 (b) If any member of the Commission who was ap-
20 pointed to the Commission under paragraph (1) or (4) of
21 subsection (a) of this section as a member of the city coun-
22 cil of Lowell or any other government leaves that office, or
23 if any member of the Commission who was appointed from
24 persons who are not elected officials of any government be-
25 comes an elected official of a government, such person may

1 continue as a member of the Commission for not longer
2 than the thirty-day period beginning on the date such per-
3 son leaves that office or becomes such an elected official, as
4 the case may be.

5 (c) (1) Except as provided in paragraph (2) of this
6 subsection, members shall be appointed for terms of two
7 years. A member may be reappointed only three times un-
8 less such member was originally appointed to fill a vacancy
9 pursuant to subsection (e) (1) of this section, in which case
10 such member may be reappointed four times.

11 (2) Of the members first appointed pursuant to subsec-
12 tion (a) of this section, the following shall be appointed for
13 terms of three years:

14 (A) The members appointed pursuant to para-
15 graphs (2), (3), and (8) of such subsection.

16 (B) One of the members appointed pursuant to
17 paragraph (4) of such subsection, as designated by the
18 Secretary at the time of appointment upon recommenda-
19 tion of the Governor.

20 (d) The chairman of the Commission shall be elected
21 by the members of the Commission. The term of the chair-
22 man shall be two years.

23 (e) (1) Any vacancy in the Commission shall be filled
24 in the same manner in which the original appointment was
25 made.

1 (2) Any member appointed to fill a vacancy shall serve
2 for the remainder of the term for which his predecessor was
3 appointed. Any member may serve after the expiration of
4 his term for a period not longer than thirty days.

5 (f) Eight members of the Commission shall constitute a
6 quorum, but a lesser number may hold hearings.

7 (g) The Commission shall meet at least once each
8 month, at the call of the chairman or a majority of its
9 members.

10 (h) (1) Except as provided in paragraph (2) of this
11 subsection, members of the Commission shall each be entitled
12 to receive \$100 for each day (including travel time) during
13 which they are engaged in the performance of the duties of
14 the Commission.

15 (2) Members of the Commission who are full-time of-
16 ficers or employees of the United States, the city of Lowell,
17 or the Commonwealth of Massachusetts shall receive no
18 additional pay on account of their service on the Commis-
19 sion.

20 (3) While away from their homes or regular places of
21 business in the performance of services for the Commission,
22 members of the Commission shall be allowed travel expenses,
23 including per diem in lieu of subsistence, in the same manner
24 as persons employed intermittently in the Government serv-

1 ice are allowed expenses under section 5703 of title 5 of the
2 United States Code.

3 PARK PRESERVATION PLAN AND INDEX

4 SEC. 302. (a) (1) Within one year after the date on
5 which the Commission conducts its first meeting, the Com-
6 mission shall submit to the Secretary a draft park preserva-
7 tion plan meeting the requirements of subsection (c) of this
8 section. The Secretary shall review the draft park preserva-
9 tion plan and, within ninety days after the date on which
10 such plan is submitted to the Secretary, suggest appropriate
11 changes in such plan to the Commission.

12 (2) Within eighteen months after the date on which
13 the Commission conducts its first meeting, the Commission
14 shall submit to the Secretary a park preservation plan which
15 meets the requirements of subsection (c) of this section. The
16 Secretary shall, within ninety days after the date on which
17 such plan is submitted to the Secretary, approve or disap-
18 prove such plan. The Secretary may not approve such plan
19 unless the Secretary determines that such plan would ade-
20 quately carry out the purpose of this Act.

21 (3) If the Secretary disapproves a park preservation
22 plan, the Secretary shall advise the Commission of the
23 reasons for such disapproval together with the recommenda-
24 tions of the Secretary for revision of such plan. Within such

1 period as the Secretary may designate, the Commission shall
2 submit a revised park preservation plan to the Secretary.
3 The Secretary shall approve or disapprove any revised park
4 preservation plan in the same manner as required in para-
5 graph (2) of this subsection for the approval or disapproval
6 of the original park preservation plan.

7 (4) If the Secretary approves a park preservation plan,
8 the Secretary shall publish notice of such approval in the
9 Federal Register.

10 (5) If the Secretary fails to approve or disapprove a
11 park preservation plan within ninety days after the date on
12 which the Secretary receives any such plan from the Com-
13 mission, such park preservation plan shall be considered to
14 be approved, and the Secretary shall publish notice of such
15 approval in the Federal Register.

16 (6) Any park preservation plan or draft plan sub-
17 mitted to the Secretary under this subsection shall, upon
18 request, be available to the public.

19 (7) (A) No changes other than those specified in sub-
20 paragraph (B) of this paragraph may be made in the ap-
21 proved park preservation plan without the approval of the
22 Secretary. The Secretary shall approve or disapprove any
23 proposed change in the approved park preservation plan,
24 except for any change specified in such subparagraph (B),
25 in the same manner as required in paragraph (2) of this

1 subsection for the approval or disapproval of the original
2 park preservation plan.

3 (B) Any change in the approved park preservation
4 plan relating to the index established pursuant to subsection
5 (d) of this section or the standards and criteria established
6 pursuant to subsection (e) of this section may be made by
7 the Commission in the same manner specified in such sub-
8 sections. The Commission shall promptly notify the Secre-
9 tary of any change made under such subsections.

10 (b) (1) Except as provided in paragraph (2) of this
11 subsection, the Secretary shall not make any funds available
12 to the Commission to carry out section 303 or 304 of this
13 Act until a park preservation plan has been approved under
14 subsection (a) of this section.

15 (2) Before a park preservation plan is approved under
16 subsection (a) of this section, the Secretary may make
17 available to the Commission such funds as the Commission
18 may request to—

19 (A) carry out activities to preserve, restore,
20 manage, develop, or maintain any property designated
21 in subsection (c) (1) of this section;

22 (B) take any action the Commission considers
23 necessary to provide owners of property within the
24 park or preservation district with emergency assist-

1 ance for the purpose of preserving and protecting their
2 property in a manner consistent with the purpose of
3 this Act; or

4 (C) acquire in accordance with section 304 of this
5 Act, any property within the park which—

6 (i) is identified in the report of the Lowell
7 Historic Canal District Commission as a property
8 which should be preserved, restored, managed, de-
9 veloped, or maintained in a manner consistent with
10 the purpose of this Act;

11 (ii) is listed in the National Register of His-
12 toric Places, as maintained by the Secretary pur-
13 suant to section 101 (a) of the Act entitled “An
14 Act to establish a program for the preservation of
15 additional historic properties throughout the Na-
16 tion, and for other purposes”, approved October
17 15, 1966 (16 U.S.C. 470a), and section 2 (b) of
18 the Act entitled “An Act to provide for the preser-
19 vation of historic American sites, buildings, objects,
20 and antiquities of national significance, and for
21 other purposes”, approved August 21, 1935 (16
22 U.S.C. 462) ; or

23 (iii) is determined by the Secretary to be of
24 national significance;

1 and would be subject to demolition or major alteration
2 in a manner inconsistent with the purpose of this Act
3 unless acquired by the Commission.

4 (c) Any plan submitted to the Secretary under subsec-
5 tion (a) of this section shall—

6 (1) describe the manner in which the Commission,
7 to the extent practicable in accordance with the recom-
8 mendations in the report of the Lowell Historic Canal
9 District Commission, proposes to provide for the preser-
10 vation, restoration, management, development, or main-
11 tenance of—

12 (A) the Welles Block, 169 Merrimack Street;

13 (B) the Jordan Marsh Company Building, 153
14 Merrimack Street and 15 Kirk Street;

15 (C) the Yorick Club, 91 Dutton Street;

16 (D) the Lowell Gas Light Company, 22 Shat-
17 tuck Street;

18 (E) St. Anne's Church and Rectory, 237
19 Merrimack Street;

20 (F) Lowell Institution for Savings, 18 Shat-
21 tuck Street;

22 (G) the Ahepa Building, 31 Kirk Street;

23 (H) Boott Mill, Foot of John Street;

1 (I) Lowell Manufacturing Company on Market
2 Street; and

3 (J) the structure commonly referred to as the
4 Early Residence, 45, 47, and 49 Kirk Street;

5 (2) identify the properties included in the index
6 established pursuant to subsection (d) of this section;

7 (3) designate the properties which the Commission
8 intends to acquire under section 304 of this Act and
9 specify how such properties shall be used;

10 (4) include the standards and criteria established
11 pursuant to subsection (e) of this section;

12 (5) provide a detailed description of the manner
13 in which the Commission intends to implement the grant
14 and loan programs under section 303 of this Act, includ-
15 ing information relating to the estimated amount of such
16 grants and the manner in which such grants shall be
17 awarded by the Commission;

18 (6) provide for a transportation program by which
19 the Commission shall provide, directly or by agreement
20 with any person or any public or private entity, trans-
21 portation services and facilities for park and preserva-
22 tion district visitors, including barge equipment, docking
23 facilities, and local rail facilities;

24 (7) provide for educational and cultural programs

1 to encourage appreciation of the resources of the park
2 and preservation district; and

3 (8) include a tentative budget for the subsequent
4 five fiscal years.

5 (d) The Commission shall establish, within one year
6 after the date on which the Commission conducts its first
7 meeting, an index which includes—

8 (1) any property in the park or preservation dis-
9 trict (except for any property designated in section
10 201 (a) (2) of this Act) which should be preserved,
11 restored, managed, developed, maintained, or acquired
12 by the Commission because of its historical, cultural, or
13 architectural significance; and

14 (2) any property which should be preserved,
15 restored, managed, developed, or maintained in a man-
16 ner compatible with the purpose of this Act because of
17 its proximity to (A) any property referred to in para-
18 graph (1) of this subsection, or (B) any property des-
19 ignated in section 201 (a) (2) of this Act.

20 The index may be modified only by a majority vote of the
21 members of the Commission, taken when a quorum is present.

22 (e) (1) The Commission shall establish standards and
23 criteria applicable to the construction, preservation, restora-
24 tion, alteration, and use of all properties within the preserva-

1 tion district with the advice of the Commonwealth of Massa-
2 chusetts and of the Secretary, and the consent of the city
3 manager of Lowell.

4 (2) The Commission shall establish the standards and
5 criteria described in paragraph (1) of this subsection for any
6 property within the park with the advice of the Common-
7 wealth of Massachusetts and the city manager of Lowell
8 and with the consent of the Secretary.

9 (3) The Commission shall establish standards and cri-
10 teria under paragraphs (1) and (2) of this subsection within
11 one year after the date on which the Commission conducts its
12 first meeting. Such standards and criteria may be revised in
13 the same manner in which they were originally established.

14 (4) The Secretary shall publish the standards and cri-
15 teria established under paragraphs (1) and (2) of this sub-
16 section, and any revisions thereof, in the Federal Register.

17 LOANS, GRANTS, AND TECHNICAL ASSISTANCE

18 SEC. 303. (a) The Commission may make loans to the
19 Lowell Development and Financial Corporation (established
20 under chapter 844 of the Massachusetts General Laws) to
21 enable the corporation to provide low interest loans for the
22 preservation, restoration, or development of property listed
23 on the index established pursuant to section 302 (d) of this
24 Act. The Commission may make any such loan to the

1 corporation only after entering into a loan agreement with
2 the corporation which includes the following terms:

3 (1) The loan to the corporation shall have a matu-
4 rity of thirty-five years. At the end of such period, the
5 corporation shall repay to the Secretary of the Treasury
6 (in a lump sum) for deposit in the general fund of the
7 Treasury the full amount of the loan without interest.

8 (2) The money received from the Commission,
9 and any interest earned on such money, may be obli-
10 gated by the corporation only for low interest loans made
11 under paragraphs (6) and (7) of this subsection, ex-
12 cept that the corporation may use such money to the
13 extent the Commission considers reasonable to satisfy the
14 costs of the corporation in administering the loan or
15 procuring loan guarantees or insurance.

16 (3) Within five years after receiving the loan from
17 the Commission, the corporation shall make loans under
18 paragraphs (6) and (7) of this subsection which, in the
19 aggregate, obligate the full amount of money received
20 from the Commission (minus any amount required to
21 satisfy the costs described in paragraph (2) of this
22 subsection).

23 (4) As loans made under paragraphs (6) and (7)
24 of this subsection are repaid, the corporation shall make

1 additional loans under such paragraphs with the money
2 made available for obligation by such repayments.

3 (5) The corporation shall make available to the
4 Commission and to the Secretary, upon request, all
5 accounts, financial records, and other information related
6 to loans made under paragraphs (6) and (7) of this
7 subsection.

8 (6) Before the corporation approves any applica-
9 tion for a low interest loan for which money has been
10 made available to the corporation by the Commission,
11 the corporation shall require the prospective borrower
12 to furnish the corporation with a statement from the
13 Commission stating that the Commission has reviewed
14 the application and has determined that any loan re-
15 ceived by the prospective borrower will be spent in a
16 manner consistent with—

17 (A) the standards and criteria established pur-
18 suant to section 302 (e) of this Act, and

19 (B) the goals of the park preservation plan
20 approved under section 302 (a) of this Act.

21 (7) The corporation may approve any application
22 for a low interest loan which meets the terms and condi-
23 tions prescribed by the corporation with the approval
24 of the Commission and for which money has been made
25 available to the corporation by the Commission if—

1 (A) the prospective borrower furnishes the
2 corporation with the statement described in para-
3 graph (6) of this subsection;

4 (B) the corporation determines that such bor-
5 rower has sufficient financial resources to repay the
6 loan; and

7 (C) such borrower satisfies any other appli-
8 cable credit criteria established by the corporation.

9 In order to determine whether the corporation has complied
10 with this subsection, the Commission, or such other appro-
11 priate person or entity as the Commission may designate,
12 shall conduct an audit at least once every two years of all
13 accounts, financial records, and other information related to
14 loans made under paragraphs (6) and (7) of this subsec-
15 tion. If the Commission determines, after conducting a hear-
16 ing on the record, that the corporation has substantially failed
17 to comply with this subsection, the outstanding balance of
18 any loan made to the corporation under this subsection shall
19 become payable in full upon the demand of the Commission.

20 (b) (1) The Commission may make grants to—

21 (A) owners of property included in the index estab-
22 lished pursuant to section 302 (d) of this Act for the
23 preservation, restoration, management, development, or
24 maintenance of such property in a manner consistent

1 with the standards and criteria established pursuant to
2 section 302 (e) of this Act; and

3 (B) any person or any public or private entity to
4 provide for (i) educational or cultural programs which
5 encourage appreciation of the resources of the park and
6 preservation district, or (ii) any planning, transportation,
7 maintenance, or other services the Commission
8 considers desirable to carry out the purpose of this Act.

9 (2) Grants under this subsection shall be made under
10 agreements which specify the amount of the grant, the in-
11 stallments (if any) by which the grant shall be paid to the
12 grant recipient, the purposes for which the grant may be
13 used, and any other condition the Commission considers ap-
14 propriate. No grant recipient may use a grant in any manner
15 or for any purpose other than as specified in the grant
16 agreement.

17 (3) Any grant recipient which the Commission deter-
18 mines to be in noncompliance with paragraph (2) of this
19 subsection shall be liable, at the discretion of the Commis-
20 sion, for the repayment to the Commission of any funds
21 awarded under this subsection which have been paid to
22 such grant recipient. The Commission may bring a civil
23 action for repayment of such funds. The Commission shall
24 determine whether any additional funds awarded under this
25 subsection shall be paid to such grant recipient.

1 (c) The Commission may provide technical assistance
2 to—

3 (1) owners of property within the park or preser-
4 vation district to assist such owners in (A) making re-
5 pairs to or improvements in any property included in
6 the index established pursuant to section 302 (d) of this
7 Act, or (B) applying for loans under subsection (a)
8 of this section; and

9 (2) any other person or public or private entity to
10 assist such person or entity in taking actions consistent
11 with the purpose of this Act.

12 (d) The Commission shall make available to the Secre-
13 tary, upon request, all accounts, financial records, and other
14 information of the Commission relating to grants and loans
15 made under this section.

16 ACQUISITION AND DISPOSITION OF PROPERTY

17 SEC. 304. (a) (1) The Commission may acquire any
18 property included in the index established pursuant to sec-
19 tion 302 (d) of this Act, or any interest therein, by dona-
20 tion, by purchase with donated or appropriated funds, or
21 by condemnation in accordance with paragraph (2) of this
22 subsection.

23 (2) Only properties within the park may be acquired
24 by the Commission by condemnation. The Commission may
25 initiate condemnation proceedings only after making every

1 reasonable effort to acquire any such property through nego-
2 tiations and purchase and consulting with the city council of
3 Lowell.

4 (b) The Commission may sell or lease any property
5 which it acquires under subsection (a) of this section subject
6 to such deed restrictions or other conditions as the Commis-
7 sion deems appropriate to carry out the purpose of this Act.

8 (c) Pursuant to a written agreement between the Com-
9 mission and the Commonwealth of Massachusetts or between
10 the Commission and the city of Lowell, the Commission may
11 sell, donate, lease, or in any other manner the Commission
12 deems appropriate make available to such Commonwealth or
13 city any property which it has acquired under subsection
14 (a) of this section in order to provide for the administration
15 or maintenance of such property by such Commonwealth or
16 city in a manner consistent with the purpose of this Act.

17 POWERS OF COMMISSION

18 SEC. 305. (a) The Commission may for the purpose of
19 carrying out this Act hold such hearings, sit and act at such
20 times and places, take such testimony, and receive such evi-
21 dence, as the Commission may deem advisable. The Commis-
22 sion may administer oaths or affirmations to witnesses ap-
23 pearing before it.

24 (b) When so authorized by the Commission, any mem-

1 ber or agent of the Commission may take any action which
2 the Commission is authorized to take by this section.

3 (c) Subject to section 552a of title 5, United States Code,
4 the Commission may secure directly from any department or
5 agency of the United States information necessary to enable
6 it to carry out this Act. Upon request of the chairman of the
7 Commission, the head of such department or agency shall
8 furnish such information to the Commission.

9 (d) Notwithstanding any other provision of law, the
10 Commission may seek and accept donations of funds, prop-
11 erty, or services from individuals, foundations, corporations,
12 and other private entities, and from public entities, for the
13 purpose of carrying out its duties.

14 (e) The Commission may use its funds to obtain money
15 from any source under any program or law requiring the
16 recipient of such money to make a contribution in order to
17 receive such money.

18 (f) The Commission may use the United States mails in
19 the same manner and upon the same conditions as other
20 departments and agencies of the United States.

21 (g) The Commission may obtain by purchase, rental,
22 donation, or otherwise, such property, facilities, and services
23 as may be needed to carry out its duties. Any acquisition of
24 property by the Commission shall be in accordance with sec-

1 tion 304 of this Act. Upon the termination of the Commis-
2 sion, all property, personal and real, and unexpended funds
3 shall be transferred to the Department of the Interior.

4 STAFF OF COMMISSION

5 SEC. 306. (a) The Commission shall have a Director
6 who shall be appointed by the Commission and who shall
7 be paid at a rate not to exceed the rate of pay payable for
8 grade GS-15 of the General Schedule.

9 (b) The Commission may appoint and fix the pay of
10 such additional personnel as the Commission deems
11 desirable.

12 (c) The Director and staff of the Commission may be
13 appointed without regard to the provisions of title 5, United
14 States Code, governing appointments in the competitive
15 service, and may be paid without regard to the provisions
16 of chapter 51, and subchapter III of chapter 53 of such title
17 relating to classification and General Schedule pay rates,
18 except that no individual so appointed may receive pay in
19 excess of the annual rate of basic pay payable for grade
20 GS-15 of the General Schedule.

21 (d) Subject to such rules as may be adopted by the
22 Commission, the Commission may procure temporary and
23 intermittent services to the same extent as is authorized by
24 section 3109 (b) of title 5, United States Code, but at rates
25 determined by the Commission to be reasonable.

1 (e) (1) Upon request of the Commission, the head of
2 any Federal agency represented by members on the Com-
3 mission may detail, on a reimbursable basis, any of the per-
4 sonnel of such agency to the Commission to assist it in car-
5 rying out its duties under this Act.

6 (2) The Administrator of the General Services Admin-
7 istration shall provide to the Commission on a reimbursable
8 basis such administrative support services as the Commission
9 may request.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 5 1978

Honorable Henry M. Jackson
Chairman, Committee on
Energy and Natural Resources
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 2817, a bill, "To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes."

We recommend enactment of S. 2817, if it is amended as described herein. We have enclosed a clean draft bill which incorporates our recommendations on this legislation.

S. 2817 establishes as a unit of the National Park System the Lowell National Historical Park in the Commonwealth of Massachusetts in order to preserve and interpret the sites, structures, and districts in Lowell and for the benefit and inspiration of present and future generations by implementing the recommendations of the plan submitted to Congress in accordance with Public Law 93-645, enacted January 5, 1975. Public Law 93-645 mandated the Lowell Historic Canal District Commission to " . . . prepare a plan for the preservation, interpretation, development, and use by public and private entities, of the historic, cultural and architectural resources of the Lowell Historic Canal District. . . ."

S. 2817 would establish the Lowell National Historical Park, which would consist of the Old City Hall, the Merrimack Gatehouse, the Linus Childs House, the Boott Mill Boarding House, a portion of the Wampanoag Mill, and the area surrounding these structures as outlined on the map, as well as the historic locks and canals district and attendant structures. The locks and canals would be maintained by the Commonwealth of Massachusetts. The remaining portion within the exterior boundary will be known as the Lowell Historic Preservation District. The legislation would direct the Secretary to become involved in six specific sites but grants him authority to provide technical assistance, direct grants not to exceed \$21.5 million, and interpretive services within the preservation district. S. 2817 provides that it would be the responsibility of the Lowell Historic Preservation District Commission, which would be established under this legislation, to manage the historic preservation district.

We strongly support the establishment of a "Lowell National Historical Park" to preserve and interpret several highly significant sites which are part of a unique historic area. The story of Lowell is the story of our Nation's emergence into the industrial revolution. It is the area best suited to allow us to interpret as a theme - the industrial revolution and its impacts on people, institutions, and technology. Lowell is a unique resource in encompassing a large concentration of relatively well preserved structures exemplifying of the complex social arrangements of this period of our history.

We recommend the establishment of a Lowell National Historical Park with the following features:

(A) Provision for the Secretary, through the Heritage Conservation and Recreation Service (HCRS), to develop guidelines and standards for an inventory of historic resources, to be performed by a State and local governmental body, and review and determine levels of significance of the inventoried sites.

(B) Authorization for the National Park Service to provide \$17 million in supplemental grants to a State/local governmental body for preservation of sites identified in the inventory. These grants would not require a non-Federal match. Additional Federal support could be available through the Historic Preservation Grant Program.

(C) Authorization for the National Park Service to acquire, in fee or other than fee, Old City Hall, Merrimack Gate House, Wannalancit Mill, The Agent's House and Bridge Street Boarding House.

(D) Designation of the Heritage Conservation and Recreation Service, as the coordinator of all Federal programs potentially affecting the historic area in order to assure consistency of Federal actions.

(E) Provisions for a mechanism to protect the Federal investment in properties which are assisted by Federal grants under (B).

We believe that the Heritage Conservation and Recreation Service is the appropriate agency to coordinate Federal, State, and local programs, as well as to assist in the development of local ordinances that will ensure attainment of the objectives of the park. Further with the programs available to Heritage Service, they are more appropriately the agency to coordinate technical and financial assistance to individuals, organizations, the city, and the Commonwealth throughout the entire park.

As to the functions of any commission to be established in this legislation, we recommend its functions be advisory, rather than operational. The report of the Lowell Historic Canal District Commission, dated January 3, 1977, recommended the establishment of an interim Federal commission, to include representatives from all levels of Government, to advise the Secretary on the development and management of the park. We have no objection to the establishment of

an advisory commission as recommended in the January 3, 1977 report. The powers of the commission in S. 2817, however, go far beyond those of an advisory commission. Under the concept we recommend, we would involve the Federal Government directly in the management of only certain specific historic properties. Preservation of other properties in the city would be a function of local and State government with Federal financial and technical assistance. Accordingly, establishment of a Federal commission with the operational and regulatory powers enumerated in S. 2817 would be inconsistent with our recommendation.

We recommend that the Commission created by this legislation be invested with the following functions:

1. Advising the Secretary of the Interior on the management plan for the park, acquisition plans, and development and rehabilitation of the sites which we intend to acquire.

2. Advising the Secretary with respect to the use of the supplemental Federal grants.

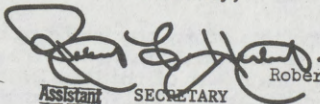
We believe also that the Commission should be limited to a 5-year term. We concur in the membership of the Commission as set forth in S. 2817, and we would support its establishment with the foregoing changes.

We estimate that the cost of our recommendation will be approximately \$11,800,000 for direct acquisition and development by the National Park Service plus \$17 million for supplemental grants. Any additional Federal funds for rehabilitation or acquisition will derive from the States' allocation of the Historic Preservation fund or through other existing Federal assistance programs.

The Administration realizes that no precedent exists for our recommendation that supplemental grants be made by the National Park Service. However, we believe that precedent is warranted at Lowell due to its unique ability--more so than any other city--to portray the beginning of commerce and industry in America. Lowell represents an opportunity for preservation and adaptive use that should not be lost.

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,



Robert L. Herbst

Assistant

SECRETARY

Enclosure

A B I L L

To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

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

1(a). The Congress finds that-

(1) the sites and structures in Lowell, Massachusetts, the most significant planned industrial city in the United States, symbolize in physical form the Industrial Revolution;

(2) the cultural heritage of many of the ethnic groups that immigrated to the United States during the late nineteenth and early twentieth centuries is still preserved in Lowell's neighborhoods;

(3) a very large proportion of the buildings, other structures, and districts in Lowell date to the period of the Industrial Revolution and are important historical resources, including the 5.6 mile power canal system, seven original mill complexes, and significant examples of early housing, commercial structures, transportation facilities, and buildings associated with labor and social institutions;
and

(4) despite the expenditure of substantial amounts of money by the City of Lowell and the Commonwealth of Massachusetts for preservation and interpretation in Lowell, the early buildings and other structures in Lowell may be lost without the assistance of the Federal Government.

(b) It is the purpose of this Act to preserve and interpret representative sites, structures, and districts in Lowell, Massachusetts, for the benefit and inspiration of present and future generations.

Sec. 2. This Act may be cited as the "Lowell National Historical Park Act of 1978."

Sec: 3(a). In order to preserve as a national historical park certain historical structures and properties of outstanding national significance located in Lowell, Massachusetts, the Secretary of the Interior (hereinafter referred to as the "Secretary") may acquire by donation or by purchase with donated or appropriated funds, or exchange lands or interests therein including improvements thereon comprising all or parts of the following described properties:

- (1) Wannalancit Mill
- (2) Gate Street Boarding House
- (3) Merrimack Gate House
- (4) Old City Hall
- (5) Agents House (Also known as Childs House)

(b) At such time as the Secretary determines that sufficient lands, improvements and interests therein have been acquired or that cooperative agreements satisfying the preservation and historical objectives of this Act have been executed, he may establish the Lowell National Historical Park by publication of a notice to that effect in the Federal Register, together with a detailed description or map setting forth the properties included therein.

Sec. 4. The Secretary may identify additional sites in the vicinity of those properties listed in Section 3(a) which are of significance to the Industrial Revolution in the City of Lowell, Massachusetts, but which, in his opinion, would best be preserved in non-Federal ownership. The Secretary is authorized to enter into cooperative agreements with the City of Lowell, the Commonwealth of Massachusetts, or any private organization or individual to mark, interpret, or provide technical assistance in the preservation of such additional sites. The agreements shall contain, but not be limited to, provisions that the Secretary, through the Heritage Conservation and Recreation Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purpose of insuring that no changes or alterations shall be made in such properties except by mutual agreements.

Sec. 5. The Secretary is authorized to provide grants to a management entity responsible for preserving the historic and cultural resources of Lowell: Provided, that each of the following conditions are met:

- (1) The management entity is established by either the Commonwealth of Massachusetts or the City of Lowell;
- (2) An inventory of historic and cultural resources in Lowell is performed by the Commonwealth of Massachusetts according to guidelines established by the Secretary; and

- (3) Upon completion of the inventory a preservation management plan is developed by the management entity, which plan, upon approval by the Secretary, shall serve as the basis for a program for the preservation of historic and cultural resources within Lowell.

The management entity shall not expend any grant funds provided under this Section with respect to any property which is not identified in the inventory and covered by the preservation management plan. From the sums authorized to be appropriated in Section 8, not to exceed \$17 million shall be available to the Secretary for the purpose of providing grants under this Section. Provided further, that no grants, cooperative agreements or other benefits shall be provided under the provision of this Act until the Secretary has determined that such grants, cooperative agreements or other benefits are consistent with the basic purposes of this Act, and until the Secretary has received adequate written assurance that those areas that will remain in non-federal ownership within the boundaries of this park will be subject to, and will continue to be subject to, State and local governmental provisions protective of the national significance of this area and consistent with a mutually acceptable preservation management plan developed by the management entity in consultation with the Secretary. The Secretary shall require such assurances or the adoption of such measures, cessions of jurisdiction, or other provisions as may be necessary to accomplish the purposes of this Act as provided by section 1(b) supra.

Sec. 6(a). There is established a Lowell National Historical Park Advisory Commission (hereinafter referred to as the "Commission") which shall be composed of members appointed by the Secretary as follows:

- (1) Three members appointed from recommendations submitted by the Governor of Massachusetts;

(2) Three members appointed from recommendations submitted by the mayor of the city of Lowell, who are members of the City Council of Lowell; and

(3) Three members appointed from recommendations made by the City Manager of Lowell of persons who are representative of the business community, local neighborhoods, and educational and cultural institutions, and who are not elected officials.

(b) The Commission shall terminate five years from the date of establishment of the Lowell National Historical Park.

(c) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term). The Chairman of the Commission shall be designated by the Secretary.

(d) The Commission shall act and advise by affirmative vote of a majority of its members.

(e) The Secretary or his designee shall from time to time, but at least semiannually, consult with the Commission with respect to matters relating to the development of the Lowell National Historical Park.

(f) Members of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon presentation of vouchers signed by the Chairman.

Sec. 7. When established as provided in section 2 of this Act, the Lovell National Historical Park shall be administered by the Secretary in accordance with the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

Sec. 8(a). There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(b) Within five years from the date of approval of this Act, the Secretary, after consultation with the Commission, shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park indicating--

(1) Transportation alternatives for public access to the park;

(2) The number of visitors and types of public use within the park which can be accommodated in accordance with the protection of its resources; and

(3) The location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM
THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman. I first of all want to express my appreciation to you and to the members of this committee for giving this particular legislative proposal priority attention and for the interest you have personally shown in the Lowell National Historical Park.

I welcome the chance to join with my colleagues here, Senator Brooke and Congressman Tsongas, and want to pay particular tribute to Congressman Tsongas for the very extraordinary amount of work he has done not only in the House of Representatives but also with the local groups, the mayor, the city council, the business leaders, and the workers in helping to fashion this piece of legislation and being such a motivating and driving force.

I think our State and all of the people in Lowell have to recognize his extraordinary leadership. It has been a great pleasure for me, and I know for Senator Brooke, to work closely with him, as he has provided the leadership in the House of Representatives.

Mr. Chairman, this bill will create a living national park. It will offer Americans an extraordinary opportunity to explore the roots of our culture through the rediscovery of a neglected part of our Nation's history.

Indeed, Lowell is a unique monument to the forces at work during our Industrial Revolution. The city was among the first of the planned industrial communities in the Western Hemisphere, and for nearly half a century was the premier industrial city in America.

But the story of Lowell is not merely in its bricks and mortar, not simply in its mills and boardinghouses and magnificent canal system. The story of Lowell is the story of people, the shrewd entrepreneurs, the visionary utopian planners, the working men and women who built Lowell and thus planted the seed of a new industrial age.

These people, their working and living conditions, their origins, their motivations and desires, their lifestyles, and neighborhoods must not be forgotten.

These people, the working class, the blacksmiths and weavers, the Yankee "mill girls" and the Irish, Greeks, Poles, and Portuguese who followed must not be forgotten.

Nor can we forget, Mr. Chairman, the hard times, the oppression of ethnic minorities and women, those long hours in crowded factories which provided the spark for our labor and women's rights movements. And we should also look to Lowell to remind us of a period in our history when capital, labor, engineering genius, expanding markets, and utopian dreams all combined to produce spectacular economic advances.

Unfortunately, just as Lowell led the Nation in industrialization—setting a pattern that was to be followed elsewhere—it was also among the first cities forced to confront all the urban ills that have now become commonplace.

Despair over the future of Lowell came with the Great Depression and the decline of the city center. History shows that when people lose belief in their future, they tend to devalue their past as well. And so, the citizens of Lowell found it all too easy to forget the vital link with

the past that was embodied in its mills, rowhouses, canals, and ethnic neighborhoods.

But today, this city refuses to forget. Lowell has decided to make peace with its history as a way of building a future.

The turning point came in the early 1970's when civic, government, and business leaders recognized that a forging of a new spirit would be necessary for Lowell to move ahead. In just a few years, the Lowell Human Services Corp., the Lowell Center City Committee, and the Lowell Development and Financial Corp. were formed.

These organizations were highly successful in helping to attain public support for the idea of an historic park. By 1972, through the efforts of the city council and the city development authority, every major community improvement project was required to be consistent with and supportive of the historic park concept. In time, the assistance of the Commonwealth was enlisted. Today, the Commonwealth has pledged over \$9 million toward the development of a Lowell Heritage Park. Altogether, over \$25 million has been either expended or committed in projects related to the final Lowell Historic Park—truly a spectacular achievement in cooperation in a few short years.

So, Mr. Chairman, I am enthusiastic about the possibility of our assisting Lowell in the rediscovery of its heritage. In the process, the American people as a nation have much to gain. For Lowell's history is a very great part of the heritage of all Americans. So much of the way we work and the way we live can be traced back to our early industrial period. And it is a sad fact that although many Americans are familiar with the great battles, famous heroes, and major turning points in their history, they are rarely provided with the opportunity to learn about the way their forefathers lived and worked.

Those working men and women who built Lowell played a vital role in the building of America. All Americans will have the opportunity to appreciate this by visiting the Lowell National Historical Park. Such visits will serve as a reminder that our history was shaped not only by great battles and brilliant statement, but also by common deeds performed by common men and women.

Mr. Chairman, Lowell is a living symbol of both the good and the bad of the industrial revolution. The buildings, the canals, and the people serve as reminders of this important era in the history of our Nation. Without Federal assistance, and without the full support of local and State officials, all of this will be lost and part of our past will be forgotten.

There is a new pride found in Lowell today. There is a commitment at both the State and local levels to recall and share its heritage. It is a commitment which must be matched by Federal support, and which depends on the enactment of this legislation.

The final point I would make, Mr. Chairman, and Senator Hansen, is the fact that this program has really been fashioned and shaped by the Historic Canal District Commission, established in 1975, with the strong active involvement in recent years of Tom O'Neill, our distinguished Lieutenant Governor. There has been an active partnership between the State and the local people as well as the Federal Government.

During the course of the consideration by this committee this morning, I think you will be impressed that the particular attributes which are relative to the Lowell situation are unique. Lowell, as I mentioned, for a period of 50 years was really unique for the series of canals, the types of row houses, the types of industry there, the uniqueness of how that pattern was shaped and formed and located within the city. It is unique among the cities of our own State, and I think truly of New England, which was the birthplace of the industrial revolution.

It is the kind of blend that is extremely important to preserve. The final point I would make, Mr. Chairman—really two: there are those who say, “aren’t we just looking for another kind of excuse or a different kind of way to deal with a rather innovative and imaginative way for urban development.” That clearly shows a failure of understanding about the uniqueness both of the facilities and the mix and the blend of the circumstance which is located in this particular area. It is unique and special, and I think the people from Lowell that you will hear from this morning can spell that out in very careful detail.

Second, the Commission which is established, which is a blend of the Federal, the State, and the local groups is essential. We are not talking about the great wilderness areas, the vast areas of the Western part of this country. We are talking about a living, creative park in which the general vitality and industrial verve of this city will also be able to continue and evolve and be a part of Lowell for the future and be respective of the particular uniqueness of the Lowell Park today.

I am hopeful we can get favorable consideration, and I appreciate very much the chance to make these remarks.

Senator ABOUREZK. Senator Kennedy, thank you very much. We appreciate the testimony. I should say at this point I am grateful for the efforts that you and Senator Brooke and Congressman Tsongas, have put into this bill. If there is one thing I admire it is people who try to represent their States and their districts with their utmost efforts, and I think you are truly a representative of that. I want you to know I appreciate your support for this legislation.

Senator Hansen.

Senator HANSEN. I am sorry, Mr. Chairman and Senator Kennedy, that I was not able to be here at the beginning of your testimony. I am looking forward to a visit to this area. I have heard about it for a long time. I would have to say on the basis of what little I know probably this park, which I think about more as an urban park, has greater validity than do most.

A question arises in my mind, as we undertake or as we contemplate the action that is being recommended here, that we are making a long-term commitment in money and in people to provide the money in the budgets to give typical Park Service administration to it.

There are many places throughout the country, I think Chattahoochee is one, where a park or an urban park as they are oftentimes referred to, and maybe that is not as specific a term as I might wish to employ, but anyway, there is an area in Atlanta with a very unique river coursing through the city that, were it to be taken over in full and funded in full by the Federal Government, certainly would pro-

vide a very important source of recreational opportunity to a number of Atlantans.

I don't think it necessarily follows that there is the same sort of interest nationally in that kind of an area as we might find in the Grand Canyon or Yosemite or some of the more well-known national park areas.

The question that comes to mind is how much should be the assumption, how much of the total cost should be assumed by the Federal Government, or should those costs be borne in part by the city or by the State? I would have to suggest what I have been told as an area of historical significance is concerned, certainly few places could be more eminently qualified and endowed with merit as this area.

It would be helpful to me if we could have spelled out a national policy that would put everyone on notice as to what the differences and support might be for urban parks.

There are a number of urban people who desperately need an outlet for their desires and inspirational adventures and emotional outlets. But I do think sooner or later we are going to have to come to grips with the definition of a national policy that will help us, that will provide some guidance so we might know where we are going to spend our money. Within the major metropolitan areas of the United States there certainly is need for this kind of experience. Yet how much of the burden of financing should be assumed by the Federal Government I don't think has yet been resolved.

Senator KENNEDY. If I may make a brief response, Senator. We are not looking for green areas in the inner cities. I think it is terribly important that we have these types of recreational opportunities, and we have far too few of them.

What we are trying to recognize is the uniqueness of Lowell. For a period of 50 years, every book on the history of the Industrial Revolution shows that this city was really unique and was involved in all of the creativity of the Industrial Revolution and experienced all of the decline. Because of the uniqueness, and the rapidity of decay, the original locks on the canals and the buildings themselves for example, are all there today. They have not, unlike other areas of the country, been virtually demolished and new buildings put up. They are located in a very defined area.

I would like to believe we probably have more unique historical places located in Massachusetts than any other State. Many of those are in all parts of our State because of our involvement of the early history of the Nation.

But tragically, many of these areas have been lost. Lowell's uniqueness is because of its past history, its availability at the present time, and I think, what is perhaps most important, it will be the only kind of center that I am familiar with that is really identifying the inspiration of the working people of this Nation.

This is not a memorial for any other group. It is really a tribute to a very unique part of our history: the movement toward industrialization and the spirit of those working people.

I would certainly welcome a national urban park policy, but I am not sure even if we were able to get one, that it would reach this kind of a unique preservation, the sense of restoration, which is so much a part of the Lowell Park. Thank you.

Senator ABOUREZK. Senator Brooke, we would like to hear your statement if you have one ready. Before you start, is Lieutenant Governor O'Neill in the audience? Would you like to come up and join the folks up here while Senator Brooke is testifying?

**STATEMENT OF HON. EDWARD W. BROOKE, A U.S. SENATOR FROM
THE STATE OF MASSACHUSETTS**

Senator BROOKE. First of all, Mr. Chairman, let me thank you for your general statement, for the three of us—now four of us—who are trying to represent our State. But I think we are also concerned about the Nation. I also want to point out, Mr. Chairman, and to Senator Hansen, that although Senator Kennedy spoke first, that is only because he is the senior Senator and much older than I am.

Actually, I introduced this bill in the Senate, so it is a Republican-sponsored bill as well as a Democratic-sponsored bill.

Senator HANSEN. How is that word spelled? I am not familiar with it.

Senator BROOKE. You have been a great Republican Senator.

Senator KENNEDY. I will agree with that.

Senator BROOKE. You know that Congressman Tsongas is a Democrat. He is, of course, the father of this legislation and introduced this bill in the House of Representatives. I am a Republican. I introduced it in the Senate. Senator Kennedy is a Democrat and he cosponsored it, and there are many other sponsors.

Senator ABOUREZK. That makes him a godfather.

Senator BROOKE. Obviously this has bipartisan support. I say this only to make that point. I want you to understand this is not merely a group of Democrats who want to get some money for the city of Lowell.

Before I began my statement, Senator Hansen, you made some very cogent points as you always do. As you know, I have for a long time respected you. I came here the same time you did. And I really respect you, I would like to get you up to Massachusetts. I have invited you on other occasions. I would like for us to have you see exactly what we mean to do in Lowell.

It is an historical reconstruction on an admittedly large scale. You raise the point about the State and the local government contributing. They have already done that. The State and local government's investment is already \$60 million. That is 1½ times what the projected Federal share would be.

So I don't want you to feel we are coming in asking for Federal money. We are working on that old Republican principle to help people help themselves, and these people have helped themselves. Our Lieutenant Governor is here, and I am sure he will speak to this point for he is helping Lowell. The mayor is here, Mayor Rourke and Councilman Delaney is here. So there is State and local money involved in his historical project.

Senator HANSEN. If you would forgive an interruption, in order that I might be better understood, and I am sorry I did not make myself more clearly understood, what I was as much concerned about as I am with the initial Federal investment is the continuing responsibility and obligation of providing the management.

We have had gifts offered to the Park Service from time to time, sometimes estates that were of tremendous value, yet for good reasons the Federal Government had to decline accepting them not because it wasn't a great gift but when you think about the cost of providing the management, the security and the funding over a period of time, that is what I meant to say.

Senator BROOKE. Yes. I don't want to take all of the arguments of the father of the bill, but we will address that problem.

So, Mr. Chairman, it is a particular honor to testify on a bill I have introduced in the Senate to create the Lowell National Historical Park. This legislation represents not only the vision and effort of its author, Congressman Paul Tsongas and of its Senate cosponsors, but it is the result of truly years of work by Lowell's citizens, her officials and leaders in the Commonwealth of Massachusetts. The proposal is a mature plan, perfected through a painstaking and cooperative planning process involving all levels of the public and private sector. I wanted to stress that to you, Senator Hansen. The private sector is very much involved in this project.

As you know, our legislation would allow preservation of mills, boarding houses, public buildings and related historic sites. It will authorize the development of park facilities to entertain and instruct Americans from all parts of the Nation in the culture and history of the mill town in the early 19th century.

In combination with the State-managed historic canal district, the Lowell National Historical Park will offer a window into the world of the industrial and social revolution for which Lowell, Mass., the "Venice of America" as it has been called—and justifiably so—was a showcase in its day.

In 1822, Francis Cabot Lowell, Nathan Appleton, and Kirk Boott picked the farmland around Pawtucket Falls on the Merrimac River as the site on which they could perfect a textile mill complex adopting all the latest British industrial techniques. The site was ideal because the 30-foot drop in the falls could be converted to energy through a system of canals that was to become the state of the art of engineering in that era and the wonder of the Eastern States.

In introducing industrialism of a sophisticated order to the new Nation, these entrepreneurs also engineered massive social change. The "Lowell system," as it became known, was based on a new form of corporate investment characterized by public ownership of immense capital facilities with professional, outside management. The system was a total environment for its members, including a paternalistic system of regulating the place and pattern of the mill girls' lives, and a pervasive corporate involvement in the educational and religious life of the community. And, of course, the mill owners determined the physical form of the city of Lowell.

For nearly a generation the social system remained reasonably benevolent while the economy flourished. Without question, the most imitated advances in industrial processes, in the efficiency of the use of hydropower, hydraulic equipment, and the turbine engine are testimony to the genius of capitalism.

But the Lowell system turned sour as the innovators became exploiters. The newer waves of immigrants were cruelly used. The great social experiments can now claim only that the reaction it created was its best product. The labor movement, the protection of child and women workers, and the organization of ethnic voting blocs were

spawned by the hardship and violence suffered by the mill owner's victims. In the end, the entire city of Lowell was their victim, as the lure of the dollar took the corporate interests to other areas and the heart of historic Lowell stood abandoned.

In truth, for some years Lowell sought to obliterate the industrial areas and the bitter memories of hard times they awakened. Only as the citizens participating in planning for the Model Cities program brought new inspiration to Lowell's leaders, did the importance of Lowell's roots become clear.

Over the last 10 years the city has recognized that much of its identity and its soul come from the energy and the suffering of the generations gone. Now we realize that Lowell was the model for the builders of American industry in one of our most expansive periods, and that Lowell's history is the story of promise and the pitfalls of the American economic miracle.

Lowell, therefore, is offering herself to the Nation as a living lesson about the roots we all share.

Mr. Chairman, we have organized today's presentation so as not to waste the subcommittee's time while we describe the reasons for creating the Lowell Park.

Senator Kennedy, the cosponsor of this bill, has described the social history it will showcase. Congressman Tsongas will describe why the unique approach we are taking toward managing this recreational resource is both viable and a model for urban parks to come. Massachusetts Lt. Gov. Thomas O'Neill will outline the excellent work of the Lowell Commission which he chaired and express the tangible commitment of the Commonwealth. Lowell's Mayor Ray Rourke will describe the role of the city in shaping and managing the park as well as the park's importance to Lowell's people and their future.

Finally, Mr. Bill Lienesch will represent the views of a coalition of environmental groups which believe as we do, that this area is a unique national resource.

Mr. Chairman, I appreciate the subcommittee's willingness to move this legislation in such a busy session and I look forward to working with you to insure its early passage.

I want to say in conclusion to Senator Hansen again, if I may, I know of some of his very strong feelings and that is why I direct some of my remarks specifically to him. We are not blessed maybe with the Grand Canyon, but we have got to look closely at the urban centers of the Nation. These are a great recreation resource, and this is such an unusual one. I don't say every city is going to have a national park. I would never believe that. I say that in all deference to other cities in the Commonwealth of Massachusetts.

Lowell is unique, dramatic. This is a part of American history we have got to preserve. And we are trying to do so through this vehicle of this national historical park.

It is not urban redevelopment. It is not urban renewal. It is a national historical park in a city that we are proposing to you and we think we have a very sound proposal. Thank you very much for this opportunity.

Senator ABOUREZK. Thank you, Senator Brooke. You are to be congratulated for your authorship of this legislation here in the Senate and for your very strong support.

Senator Hansen and I are both very grateful for your statement.

Senator BROOKE. If there are no questions, I do have another committee meeting. I do feel strongly about this, but Paul Tsongas, as I have already said, is the father of this bill and can answer any questions you can possibly put to him and I am very pleased our distinguished Lieutenant Governor, Mayor Rourke, and others are here.

Senator HANSEN. Mr. Chairman, if I could before Senator Brooke leaves, I know how busy he is and the demands on his time are, but you have done an excellent job of identifying the very unique qualities Lowell has as contrasted with pressures we are getting, and which I know we are going to receive in increasing abundance as time goes on from cities throughout America to have the Federal Government come in and participate in those things which will make living in big cities far more pleasant and enjoyable than is presently the case.

I think the Federal Government can and should be involved when it can be demonstrated and you have done an excellent job. I congratulate you for having seized upon the historical uniqueness of this particular spot in America and calling attention to what it has contributed in the way of enrichment and fulfillment in the lives of many of us, and which sets America apart from the rest of the world as a nation that is looked upon with envy and admiration at the same time by people almost everywhere else.

There are, as we all know, things about that past we are not proud of, and that is recognized, too. But that is there for us to see and be reminded of as we try our best in many ways to shape the future. Without trying to repeat what I attempted earlier to say, we have received an advanced recreation study a few weeks ago and I know this Congress has not begun a systematic analysis of the national need for urban parks and recreation, and I recognize this area here is not to be confused with the typical recreational park as many cities envisage it. I think it is contemplated, in all candor, for Atlanta, as we considered the Chattahoochee down there, that is a different situation.

Let me complete by expressing my appreciation to you, Senator Brooke, to you, Congressman Tsongas, for the excellent work you have done, to Senator Kennedy, who has already left, for calling our attention to the uniqueness, the historical significance of this area. If a good job could be done in supporting what has largely been lumped together under the title of urban parks, I would say you have done it. Thank you very much.

Senator BROOKE. Thank you, Mr. Chairman, and thank you, Senator Hansen, for your sensitivity to this. As usual I am not surprised but I am pleased that you have, as you always do, grasped the real thrust of what we are trying to present this morning. Thank you very much, and thank you, Mr. Chairman.

STATEMENT OF HON. PAUL E. TSONGAS, A U.S. REPRESENTATIVE FROM THE STATE OF MASSACHUSETTS

Mr. TSONGAS. Mr. Chairman, I would like to submit my written testimony to you for the record and simply make a few comments.

There are gaps that have to be filled in order to explain this legislation, but there is no sense of doing it with a prepared statement.

I must say there is strong support for this bill in your own State, Chairman Abourezk. This bill is strongly supported by Col. Russell Sauvage, who was an All-American football player at the University of South Dakota. He happens to be my father-in-law, though that should not be a detriment.

Senator ABOUREZK. But he is objective about it in spite of that.

Mr. TSONGAS. That is right. I would say to Senator Hansen the entire Wyoming delegation on the House side sponsors this bill.

Senator HANSEN. That is 100 percent, I hope it will not be observed in the audience that we have only one.

Mr. TSONGAS. That is a record only Massachusetts can share. Although Senator Brooke said I was the father of this bill, legislatively that is not the case. It was first filed by Brad Morse, whom you may recall on the House side back in 1972, who has left us for greener pastures at the U.N. This was pursued by Congressman Cronin, who was a Republican and my predecessor. The genesis of the 1972 proposal by Congressman Morse was the Lowell Historic Canal District Commission, which worked for 2 years and was represented by local, State, and Federal components. Their report, which has to be the most comprehensive report on any piece of legislation that has come before the House, is very well thought out.

The whole question is, how do you take something of significance in an urban setting and relate that to a national park? The Commission was founded in 1975. Its report was issued 2 years later. In the subsequent 14 months we have worked with the National Park Service on the details. What we have offered is legislation which they are comfortable with. There have been many compromises during this period.

There have also been changes made in the subcommittee and the full committee of the House Interior Committee. We will be on the floor Tuesday and before the full House, and we will have the support of Congressman Sebelius and Congressman Skubitz, the ranking minority members on the House committee.

One of these things unique about this legislation is the Commission idea. When we talked to the Park Service and the Historic Canal District Commission did its study, it is very clear you can have two kinds of parks here. One, you can have a basically scattered site concept in which you can have five to six buildings that the Park Service would acquire, and that would be it. People coming to Lowell to understand that era would drift back and forth between the 19th and the 20th centuries in such a way that it would have no meaning.

Everyone realized it would have to be much more comprehensive than that. The question is, what do you do? Do you buy all of the historic structures in the city? We obviously cannot afford it. What was arrived at was a Commission that would have as its role the restoration and preservation of the historic structures adjacent to those that the National Park Service would own and operate. That way the Secretary of the Interior would have the capacity to monitor the historic structures that would have to be listed in an index. This includes monitoring the type of work that is being done.

Yet the majority of moneys being put into Lowell would be from the private sector and State and local governments. That has been

our intention. If I may go to the map for a moment, the red area here is the buildings that are the core of what is referred to as the slice of 19th century Lowell.

Senator HANSEN. May I interrupt for a moment. I am sorry I am not more intimately familiar with the geography of the area. Where is the major part of Boston from that?

Mr. TSONGAS. Boston would be 25 miles into the basement.

Senator HANSEN. South.

Mr. TSONGAS. There is a direct line from Boston, Lexington, and Lowell. This is the Merrimack River. The Concord River flows in here. The falls, the 32-foot drop is in this area here. When Lowell was constructed this canal system was the key to the city's founding. The 5.6 miles of canals is unique in the United States. When I first ran for council in 1969, they were talking about filling in these canals and tearing down the mills.

Fortunately, we were not very good at that point of putting things together, and it is still sitting there. These buildings in red are the most significant structures including part of the mills, the gatehouse, and the old city hall. There is an example here of housing for both the workers and the girls who came from the countryside to work. These other structures in this area should also be preserved; they were all examples of that architecture and uses of that period of time.

What will happen in essence is that the National Park Service will control five or six of these structures and a portion of the mill here, where there is a working loom operation of the same type as existed back in the last century. The Commission will have the responsibility to make sure the rest of the area is planned for, so you don't have a McDonald's sitting right next to an historic structure. What we have attempted to do in the city is to put all of the components together so everyone—Federal, State, or private sector—is moving in the same direction for historic preservation. Of the 10 major mill complexes, 7 remain—which is remarkable. That is because during the urban renewal stage there was not a great deal of activity. There were some row houses lost in this area here. But other than that, the Lowell of the Industrial Revolution is still intact. I think the Senator's reference to Williamsburg is very apropos. What we are talking about, and the Lieutenant Governor can go into the State role, is to put the four components together—Federal, State, local, and private sector—so that someone coming into Lowell will have an idea of what the 19th century industrial revolution was all about.

We must do what has been done at Williamsburg so that it is not a scattered site approach. We are not coming to you and saying we have a few buildings which should be preserved. What we are saying is that we are going to do this in a manner so that a way of life is preserved.

There is a serious gap in the National Park Service, as you know, and that is the story of American labor and the story of immigration. We have Ellis Island, but what did they do after Ellis Island? That story has not been told. The fifties and sixties, because of urban renewal, there are simply not that many industrial era structures left. It is a matter of happenstance that the place where it began is one of the two places left where it could be told. Historians have testified on

the House side and they will testify here today, as I understand it, that this is a unique city.

This is the first city; it is all here. If we don't do something about it, it will be gone. We fight this battle every day in the city of Lowell. People don't share the vision and want to tear it down. But I think we are past that.

The last point I want to make is to explain just what we are talking about. We are talking about history and understanding where we all came from. Three centuries in 3 days. Someone can come up to Massachusetts and go to Plymouth and experience the 17th century, up to Lexington and Concord and experience the American Revolution in the 18th century, go another 12 miles to Lowell and experience the 19th century and the industrial revolution.

I think that prospect is exciting not only to people in Massachusetts but to our Nation. That is what we offer to you, and we are very appreciative of your understanding of what we are trying to do. It is my hope Tuesday the House will vote favorably on this legislation, and we look forward to your favorable enactment as well. Mr. Chairman, Senator Hansen, thank you very much.

Senator HANSEN. Let me say you have made an excellent presentation. If the project can be sold, you have helped sell it, I am sure.

Mr. TSONGAS. I have dealt with you in conference before. I know I have to be prepared.

Senator HANSEN. You have never been unprepared any time I have been around you.

Senator ABOUREZK. I remember very vividly a conference when he took on the chairman of his side of the conference for a number of items. That is when Paul asked me to hold hearings on this bill; I thought we had better do it.

Mr. TSONGAS. Let me add one point. When I referred to the Commission, the activities of the Commission will not be by acquisition, it will be by easements, things of that nature.

Senator HANSEN. I just might repeat, although I am sure I need not, what I am sure is a real need for definition of Park Service which affects Federal policy in this direction. I think the hearing is an example of it, it epitomizes the best in preservation of an area of great historical significance. Undoubtedly, everyone out in the West—we talk about some bad man from South Dakota came across the line into Wyoming and was unable to touch the ground with his feet—that is the low-tree hanging, whatever it may be referred to here.

I do think there is need for a definition to guide us in helping us to make a determination as to what degree the Federal Government will participate. If this is successful, and I would not want to make any predictions on that, but if it is a successful effort that you are making, undoubtedly other cities will seize upon your technique to say, why this does have recreational opportunities as they come forward with specific suggestions, they will undoubtedly tie in as best they can references to some historical or other significant aspect of involving culture in this country, and I think it would be helpful to have a definite policy for us to use for guidance.

Senator ABOUREZK. Thank you, Congressman Tsongas.

[The prepared statement of Representative Tsongas follows:]

STATEMENT OF HON. PAUL E. TSONGAS, A U.S. REPRESENTATIVE FROM THE STATE OF MASSACHUSETTS

S. 2817, and H.R. 11662, as passed unanimously by the House Interior Committee, would establish a Lowell National Historical Park and an adjacent Historic Preservation District.

The purpose of this bill is to preserve and interpret certain sites, structures, and districts in Lowell; historically and culturally, the most significant planned industrial city in the United States.

Lowell's nationally significant resources include the 5.6-mile power canal system; seven original mill complexes; 19th century commercial and municipal buildings; social, labor, and educational institutions; mill residences; and early transportation facilities.

The ways of life and work of the Industrial Revolution can best be preserved in Lowell. The Director of the National Park Service and a score of historians have testified to this fact.

The preservation strategy in this bill is based on an intensive two-year study by the Lowell Historic Canal District Commission, as mandated by Congress in 1975. This legislation also reflects hundreds of hours of consultation with the National Park Service. The bill has been further modified by the House Interior Committee to insure that preservation activities in Lowell will be directed solely towards significant historical and cultural properties.

Major preservation and intensive visitor use would be directed towards a nationally significant two-by-five block area. The large map depicts the preservation responsibilities of various levels of government within this "historic core area." Every building here relates directly to the corporate system of early Lowell and was built between 1825 and 1860, with the exception of the early 1900 Lowell High School extension. Efforts would be made to restore the structures here to their 19th century appearance.

This two-by-five block area, plus the canal system and associated structures, would constitute the Lowell National Historical Park. Lands directly adjacent to the park, containing a high concentration of historic properties, have been included in the Lowell Historic Preservation District. The second map identifies historic categories included within this district. The entire preservation district is outlined by the yellow area.

This bill divides preservation, restoration, and management responsibilities between the National Park Service and a federally funded Lowell Historic Preservation Commission, established under the Department of Interior.

It is my understanding that testimony from the National Park Service will detail the specific responsibilities of the Park Service and Commission. However, I would like to make it clear that the Secretary has the absolute authority to see that Commission programs and expenditures will be consistent with the goals of the national park system.

Perhaps it would help to explain how the roles of the National Park Service and the Commission were determined. It first must be understood that the Lowell Park strategy is a direct result of the unique nature of the resource represented in Lowell.

Historic Lowell is not connected with famous people or specific political events. It is, rather, the embodiment of an era, a change in the American way of life by the development of industry and the creation of an industrial society. This idea cannot be illustrated with the utilization of a small number of isolated historic structures.

The essence of understanding the significance of Lowell is in the interrelationship of the scenic areas, rivers, canal system, and historic buildings which symbolize the cultural development of modern industrial America. The plan is concentrated in the historic core area where these relationships can best be seen.

The physical nature of the resource is also unique . . . without precedent for the National Park Service. The extent of nationally significant buildings is vast. Yet, traditional fee acquisition approaches to preservation are not well-suited for an urban area. Therefore, maximum preservation participation by the private sector is essential. The legislation designates historic areas and buildings which can maximize this process. Easements, grants, and loans can provide preservation incentives and extremely limit the need for acquisition.

However, the National Park Service strongly opposed any requirement that the agency purchase easements, enter into agreements, or administer a grants program. The agency did recognize the need for additional preservation activities. There is a history in Lowell of successful intergovernmental cooperation

on behalf of park goals. The Lowell Historic Canal District Commission was well received and did a remarkable job. Therefore, it was decided that a federal-state-local commission could best coordinate State Heritage Park plans, local and private efforts with National Park Service goals. The alternative is for the federal government to shoulder major financial and leadership tasks. No one would find this acceptable. Furthermore, a solution that simply limited federal activity to scattered sites would make standards unenforceable and encourage incompatible use of adjacent properties.

The Lowell Historic Canal District Commission considered alternatives to the proposed commission structure with federal, state and local officials. They concluded that—

The entity could not simply be advisory; State or local sponsorship was not feasible or desirable; and existing preservation mechanisms were inadequate.

Furthermore, they found that a commission would offer the distinct advantages of—

Centralizing fund approval authority and reporting through the Secretary of Interior; limiting National Park Service involvement to those functions that the agency is best equipped; and broadening the participatory base for planning and implementation.

The people of Lowell represent a 150-year history of work in America. The descendants of immigrant workers have fought for the past 12 years for proper recognition of this story in our history books and national park system. Only the National Park Service can effectively interpret the Lowell story for the benefit of the nation. You can help to reopen the history books that have demeaned the role of men and women who came to work and live in America. You can create a living history book to help millions of Americans identify their heritage. If this book is closed now, it may never be opened again. For without the partnership S. 2817 proposes, many of Lowell's most significant structures will be lost and the memories will die with them.

STATEMENT OF HON. THOMAS P. O'NEILL III, LIEUTENANT GOVERNOR, COMMONWEALTH OF MASSACHUSETTS; ACCOMPANIED BY DR. PATRICK J. MOGAN, SUPERINTENDENT OF SCHOOLS; LEO J. FARLEY, STATE REPRESENTATIVE; AND ROBERT F. CRECCO, MEMBER, HISTORIC CANAL DISTRICT COMMISSION

Lieutenant Governor O'NEILL. Thank you, Mr. Chairman. I am always comfortable following the senior and the junior U.S. Senators from Massachusetts and an individual we might consider to be the second greatest Congressman in Massachusetts.

I would like to ask if I might extend the privilege and call up three additional individuals to provide you the total and complete Lowell story. Leo Farley, who is the State representative from Lowell; former Mayor Bob Crecco, who is a member of the Lowell Historic Canal District Commission, and third but not last would be Dr. Patrick Mogan, who some 12 or 14 years ago was considered to be an eccentric by some but by others of us who tend not to laugh at Columbus-types in our society and who decided to pay attention to him. It is probably most logically because of him that we are here before you today and amass the potential to bring about the historic Lowell Park.

Senator ABOUREZK. If you would identify each one for our reporter.

Lieutenant Governor O'NEILL. To my left, Bob Crecco, who is on the Lowell Historic Canal District Commission, which I have chaired. He was the representative from the U.S. Department of Transportation. To my extreme right is Leo Farley, a former mayor of the city of Lowell and currently a State representative and a very active member of that commission. Last, Pat Mogan, who also participated in commission workings and is probably the single individual most re-

sponsible for bringing the concept, as I said, some 12 or 14 years ago.

I want to thank you for allowing me to follow both Senators Kennedy and Brooke and Congressman Tsongas, and I want to thank you for the opportunity to appear before this committee.

I think the Lowell story has earned an extraordinary national following. As the chairman of the Lowell Historic District Canal Commission, I have been witness to the excitement of those who have been involved in the Lowell proposal. This includes those people who have been working for the park concept for years and those people, from various parts of the country, who more recently have discovered the city's unique history and culture.

Four years ago, legislation was passed by the Congress—Public Law 93-645—creating the Lowell Historic Canal District Commission. The Commission included Federal representatives of the Department of Interior, the Department of Housing and Urban Development, the Department of Transportation, and the Department of Commerce; two representatives of the Commonwealth; and two representatives of the city. The mandate of the Commission was to provide a plan for preservation, interpretation, development, and use of the resources of Lowell.

The Commission members brought to the project a wealth of experience. The Lowell story and the city's enthusiastic assistance encouraged our members to work harder than any other Commission with which I have ever been associated. Even today members continue to participate actively in the efforts to bring a national park to Lowell.

In Lowell, Mass., the members of the Commission learned the history of this first significant planned industrial city—the story of the canals, the mills, and the people. We learned to respect and more fully understand the industrial revolution in America. The most rewarding experience for all of us was our new understanding of why the resources in Lowell had such unusual national significance.

With the rapid growth of high technology and our evermore mobile population, the urban setting that many of us and most of our parents remember, will no longer exist. Lowell is a living museum of America's industrial and urban story. This story must be preserved. Not as an exhibit here and there, but as a way of life. This is still possible in Lowell—but perhaps not for much longer.

The Commission spent 2 years utilizing the unique background of each member, to determine how best to preserve Lowell's history. Countless sessions were held with the people of Lowell, many of whom had family members that worked in Lowell's mills. Advice was sought from experts within the Federal Government, from historians, planners, State and city officials. The result was a most deliberate plan with a grounding in reality and an eye toward the need for a new approach to a national historic park within the core of a city. In fact, the Lowell Park report has received several national awards: (1) National Association of Government Communications Awards, (2) Progress and Architect Citation, and (3) American Institute of Planning Meritorious Program Award.

The Commonwealth is also playing a vital role in the Lowell story. The State heritage park, in conjunction with the national historic park, will by bringing tourists to Lowell allow all of America to share the Lowell story. The overall interpretative goal of the Lowell

State heritage park is, first, to interpret the city of Lowell as a natural, cultural, and recreational resource for the people of the Commonwealth; and second, to develop while conserving the quality of their physical assets.

The State heritage plan was designed by the Department of Environmental Management with much consultation with the members of the Lowell Historical District Canal Commission and the city government. It is the Commonwealth's contribution to Lowell. Implementation of the State heritage park plan is well underway.

The total commitment will be \$10 million. Planning for the park represents that the plan should begin to function as soon as possible as a State park and should be acquired in conjunction with landscaping and architectural development. Reclaiming canals and rivers tells the forgotten story of the forgotten resource of Lowell. I think Congressman Tsongas has pointed that out and pointed it out exceptionally well. The park is aimed at protecting the Lowell site and the riverbanks.

I will submit to you the rest of my testimony. I think it gets a little redundant. I am sure you don't want to hear it three times this morning, but I do want to tell you all of the work that has been given by the Commission, not only by the Congressman from the District and the two U.S. Senators but by the people of that city and that whole metropolitan area for the appreciation they have brought to it.

The first thing I did before taking on responsibility as chairman of that group, was an opportunity to go up and talk to some of the schoolchildren in the city school system. I could not believe, because I had not seen it before, an opportunity to have so many young people begin to appreciate the cultural and traditional background of that city. I believe, as I still believe today, with that degree of youthful verve—and I have no other explanation for it—that a future generation understands the revitalizing of a city, recapturing a tradition, a history, a culture, can do for its livelihood. If there is anything that really reflects what a national administration is trying to achieve in America today, I must suggest to you it is Lowell, Mass.

I thank you very much for this opportunity.

[The prepared statements of Lieutenant Governor O'Neill and Dr. Mogan follow:]

STATEMENT OF HON. THOMAS P. O'NEILL III, LIEUTENANT GOVERNOR,
COMMONWEALTH OF MASSACHUSETTS

I appreciate the opportunity to appear here this morning to advance one of the most exciting accounts that we can relate about the Commonwealth of Massachusetts—the Lowell story.

The Lowell story has earned an extraordinary national following. as the chairman of the Lowell Historic District Canal Commission, I have been witness to the excitement of those who have been involved in the Lowell proposal. This includes those who have been working for the park concept for years and those people, from various parts of the country, who more recently have discovered the city's unique history and culture.

Four years ago, legislation was passed by the Congress (P.L. 93-645) creating the Lowell Historic Canal District Commission. The Commission included Federal representatives of the Department of Interior, the Department of Housing and Urban Development, the Department of Transportation and the Department of Commerce; two representatives of the Commonwealth; and two representatives of the city. The mandate of the Commission was to provide a plan for preservation, interpretation, development, and use of the resources of Lowell.

The Commission members brought to the project a wealth of experience. The Lowell story and the city's enthusiastic assistance encouraged our members to work harder than any other commission with which I have even be associated. Even today members continue to participate actively in the efforts to bring a national park to Lowell.

In Lowell, the members of the Commission learned the history of this first significant planned industrial city—the story of the canals, the mills and the people. We learned to respect and more fully understand the industrial revolution in America. The most rewarding experience for all of us was our new understanding of why the resources in Lowell had such unusual national significance.

With the rapid growth of high technology and our ever more mobile population—the urban setting that many of us and most of our parents remember, will no longer exist. Lowell is a living museum of America's industrial and urban story. This story must be preserved. Not as an exhibit here and there, but as a way of life. This is still possible in Lowell—but perhaps not for much longer.

The Commission spent two years utilizing the unique background of each member, to determine how best to preserve Lowell's history. Countless sessions were held with the people of Lowell, many of whom had family members that worked in Lowell's mills. Advice was sought from experts within the Federal Government, from historians, planners, state and city officials. The result was a most deliberate plan with a grounding in reality and an eye towards the need for a new approach to a national park within the core of a city. In fact, the Lowell Park report has received several national awards:

1. National Association of Government Communications award;
2. Progress and Architect Citation; and
3. American Institute of Planning Meritorious Program Award.

The Commonwealth is also playing a vital role in the Lowell story. The State Heritage Park, in conjunction with the National Historic Park will, by bringing tourists to Lowell, allow all of America to share the Lowell story. The overall interpretative goal of the Lowell State Heritage Park is first, to interpret the city of Lowell as a natural, cultural and recreational resource for the people of the Commonwealth; and secondly, to develop, while conserving the quality of their physical assets.

The State Heritage Plan was designed by the Department of Environmental Management with much consultation with the members of the Lowell Historical District Canal Commission and the city government. It is the Commonwealth's contribution to Lowell. Implementation of the State Heritage Park plan is well under way.

The Department of Environmental Management is developing a park and visitors center in the heart of the downtown area. This park, located along the Middlesex Canal, will serve as the focal point and main entrance to the Heritage State Park as well as the Lowell National Historic Park. Plans for the Heritage State Park are sensitively interwoven with the proposed plan for the National Historic Park. In 1835, the Boston and Lowell Railroad Company constructed a depot on this site, one of the first in the country. This historic site was selected for the entrance to the park because it was, and still remains, the cornerstone of the commercial and business district and will serve as a catalyst for continuing downtown revitalization.

Historic granite arches spanning the Merrimack River have already been uncovered at the site, and will be incorporated into the park design. The preservation and restoration of these forgotten resources will provide the citizens of Massachusetts with a recreational and cultural park in the city of Lowell.

Another aspect of the Lowell State Park plan, soon to be constructed and landscaped, is a stretch of Pawtucket Boulevard along the Merrimack River for bicycling, picnicing and walking. This area is easily accessible to Lowell's downtown and is becoming "The Esplanade" of Lowell. The Charles G. Sampas Performing Arts Pavillion, completed in 1976 has been the setting for fireworks, regattas, and concerts. In the next eighteen months, the State Department of Environmental Management will also complete conceptual plans for the development of the remaining state park areas—particularly Tremont Yard, Northern Canal Walk and completion of links between Pawtucket Boulevard, Lowell Draent State Forest and downtown Lowell.

Following the demolition of the YMCA last fall, the historic and archeologic investigations as well as preliminary design plans have been completed for the YMCA site. Conceptual plans for the transfer of the Mach building into a visitors center for the Lowell Heritage State Park are completed. The first two floors

will be used for interpretive space—the third floor for restrooms and lounge for refreshments, and the fourth floor for community space which is the historical use of the Huntington Hall which was once located on this site. The Wentworth/Brady building adjacent to this site has been selected for section 8 elderly housing. The Department of Environmental Management is working closely with the project developer to ensure that the building is adaptively reused and that the community space on the first floor is integrated with plans for the park. Construction on adaptively reusing the Mack building for a visitors center and the Wentworth block for elderly housing will begin this fall (1978). Plans for the site development and interpretative exhibits will be essentially completed by fall and construction will begin in spring 1979.

The Lowell Historical Canal District Commission offers its report—for the subcommittee's consideration. Our commission, despite the fact that its term has expired, has worked with Congressman Tsongas to prepare H.R. 11662. We are in complete agreement with this agreement.

Lowell presents an exciting challenge for all of us. The commission is certain that if this challenge can be met—the Nation will be given the opportunity to view an American story in a form that will be understandable and compelling. But perhaps the most exciting chance of all is the chance that Lowell gives each of us to take hold of our future by revitalizing our past.

STATEMENT OF PATRICK J. MOGAN, SUPERINTENDENT OF SCHOOLS, LOWELL, MASS.

The genesis of the idea of the Lowell National Cultural Park is just as exciting and dynamic as the Park itself—namely that Lowell is a living exhibit of the process and the consequences of the American Industrial Revolution. Lowell is a park in the sense that Vienna and other particular cities of the world are parks—namely the portrayal of a way-of-life. No matter how much Lowell tried to run away from itself, it continued to be an old industrial city—a condition treated shabbily and negatively in our history books and a powerful factor in projecting the negativism of the industrial city to the country as a whole and telling the people and the city itself that they must become something else if they were to become something better.

This was the state-of-affairs when the people of the Model Cities Area searched for educational success for their children:

1. Too many people inside Lowell and virtually all outside Lowell viewed Lowell in a negative frame of reference. Lowell is an industrial ethnic city. The conventional wisdom said it should shed both of these attributes.

2. Their experience and my experience pointed out that there were factors more powerful than the schools, as presently organized, which determined educational pay-offs or results. I consider myself a reading expert. Working with students I was able to take them to a good level of reading. Then, when I would see these people 5 or 10 years later, it appeared as if the expert never existed.

1. The people's feelings were reinforced by the findings of the Coleman Report which indicated that the home, neighborhood and peers (depending upon whether they were viewed negatively or positively) were a much more powerful factor in achievement than the schools as presently organized.

To analyze this state-of-affairs the physical attributes (the industrial city) and the psychological attributes (the ethnic city) the findings of experts were examined:

PHYSICAL

Kevin Lynch, Environmental Psychologist, M.I.T. Lynch says, "When the parts of an environment lack any understandable relationship between the parts, a sense of alienation develops which ends up in an all-pervasive hopelessness." This was a good definition of Lowell as we started our search for educational pay-offs.

PSYCHOLOGICAL

Eugene D. Genovese—"Until a people can and will face its own past, it has no future." Yet our monocultural model of education was denying the past.

Patrick Moynihan—"The sense of the past has usually been linked in human consciousness with a sense of the future and this connection has been especially dynamic in Western Christian World. Allow the one to wither or foreshorten, and the other will follow suit." This implied that we were planting our own seeds of destruction if we denied our cultural background.

There appeared to be a complete disassociation from the present and the past. This was very serious for scholars have been saying for a long time that people

needed "roots" and a positive reason for being as prime ingredients for development. Accordingly, one would have to look into the past and find out if these were elements of that past which could be stepping stones into the future. Fortunately, upon looking into Lowell's past, we found out that Lowell had a proud story to tell about man and his relationship to his environment. In that search we found out that not only did Lowell have a proud story and interesting history but also that the Lowell story is a most important part of the heritage of the United States—namely, that Lowell is a living exhibit of the process and the consequence of the American Industrial Revolution. Around that important story could be orchestrated the educational, economic, cultural and social redevelopment of Lowell.

Briefly—here is the story. It can be told actually as Experiment #1—the origin of Lowell as the first planned industrial city in the United States and Experiment #2 by taking the remnants of that once great industrial city—the waterways which include 2 rivers and 5.6 miles of canals, 6,000,000 square feet of factory space in the core of the city, and the multi-ethnic composition of community—all considered negative by the conventional wisdom. The two experiments have a commonness; both took generally—considered negative elements combined with a positive idea to develop and redevelop the industrial city. In experiment #1 a bankrupt transportation canal and the unruly Merrimack River were tied in with the best of social and technological knowledge to translate an agrarian community of 200 people into the textile center of the United States in the incredibly short time of 22 years. In experiment #2 we are taking the generally-considered negative remnants of a once-great industrial city (the 2 rivers and the 5.6 miles of canals, the 6,000,000 square feet of factory space in the core of the city, and the multi-ethnic composition of the community) and through applying the best in social and economic knowledge to translate those remnants into a productive and interesting place to live. Both experiments involve the adaptive use to bring the total environment to a higher level of notation and recording. This harnessing of seemingly uncontrollable forces is the expression of the real American spirit.

Generally the history of the United States is portrayed by events like battle sites and natural sites but seldom is a process like the industrial revolution portrayed. What better portrays the American story than its transition from an agrarian society to an industrial society? This is what the Lowell National Cultural Park is—an effort to portray the important story of the American industrial revolution—a process still going on in Lowell and taken to another level of notation and recording by the diverse group of peoples who wish to be accorded dignity and respect for their role in the development of America.

Senator ABOUREZK. An excellent statement. Thank you very much.

I want to thank also Dr. Mogan, Mr. Farley, and Mr. Crecco for your appearance here. My thanks.

Lieutenant Governor O'NEILL. If there are no questions, may I suggest these three be at least held in hand because they are the true experts on the Lowell Historic Park.

STATEMENT OF HON. RAYMOND F. ROURKE, MAYOR, CITY OF LOWELL, MASS.; ACCOMPANIED BY CITY COUNCILORS SAMUEL POLLARD, ARMAND LEMAY, BRIAN DELANEY, EDWARD KENNEDY, AND ASSISTANT CITY MANAGER VICTOR NORMAND

Mayor ROURKE. Thank you, Mr. Chairman, distinguished members of the National Parks and Recreation Subcommittee. Might I express to you the sincere thanks of the citizens of the city of Lowell and my colleagues in city government for giving us the opportunity to present our case.

I would like at this time also to thank the distinguished Senators from the Commonwealth of Massachusetts, Senator Kennedy, Senator Brooke, for taking time out from their busy schedules to testify. Without being provincial, gentlemen, I would think this would indicate to

you the importance of this legislation to the 51½ million people in the Commonwealth of Massachusetts and the quarter of a million people in the area of Lowell and Greater Lowell.

Mr. Chairman and members of the subcommittee, 12 years ago, a local grassroots community group was established under the model cities program and planted the first seeds of the Lowell National Historical Park.

Under the leadership and guidance of Patrick Mogan, who has been admirably dubbed the "Father of the Park," this group set about the task of revitalizing the self-image of the community.

By identifying and isolating the things which the people considered as negative elements of the community, this group discovered that those liabilities were in fact assets.

They took the ethnic heritage, continuing traditions, cultural values, and social lifestyles of the people and the vast inventory of physical artifacts of the premier 19th century American industrial city and placed them in the proper perspective, a perspective that told the story of the American industrial revolution.

From all of this evolved the theme that Lowell's future was in its historical past.

By allowing the community to rediscover its past and view it with a sense of purpose, the self-image of the people was changed from one of hopelessness to one of pride. As a result the community developed a new spirit, a spirit which spread throughout the public and private sectors of the community until all labor, business, government, social, and ethnic groups were in total unity in the support of the "park theme."

To further the park theme, the city began an ambitious investment program to preserve the rich historical resources of the city as well as develop cultural and recreational opportunities. They city began investing over \$1 million of its community development block grant funds for restoration of its 19th century streetscape, by uncovering the cobblestone streets, providing Victorian street lamps, and other authentic period improvements. Additional funds are also programed to be spent for future expansion of this restoration in other areas of the downtown.

To restore the physical appearance of the buildings in the central business district, the city has also initiated a facade grant program which provides property owners and shop owners with grants for the rehabilitation of their original facades. This will preserve the existing architectural character and also complement the historic theme of the State and national park plans.

Qualifying property owners can presently receive a reimbursement grant for 25 percent of the cost of the facade restoration up to a maximum amount of \$4,000.

As a further incentive, the city's division of planning and development provides property owners with technical assistance in the form of conceptual design help in the rehabilitation and restoration of their building facades.

To further assist property owners, the division of planning and development published "Lowell, the Building Book," a comprehensive book of guidelines and recommendations for the identification, rehabilitation, and restoration of historic residential, commercial, and mill structures in Lowell.

The Commonwealth of Massachusetts has also made a significant commitment to the preservation of Lowell's unique physical and historic resources in the form of the \$10 million Lowell Heritage State Park System. Located along the city's two major rivers, and its 5½ miles of power canals, the five major nodes of the park will provide unique recreational, cultural, and historical opportunities based upon Lowell's key role in the American Industrial Revolution.

Additional historic preservation activities have occurred and are being implemented through various public and private means. The Lowell Development and Financial Corp. provides low-interest loans to qualifying property owners who agree to renovate and restore their building facades in a manner consistent with the historical theme of the State and national park. The city's division of planning and development must review and approve the design before the corporation will act. To date over a dozen buildings have been renovated through the corporation and several more are projected to be underway shortly.

The city has also been successful in the preservation of other key buildings in the downtown by using various funding sources. Under the section 8 demonstration rehabilitation program, 160 units of elderly housing are being provided in 4 existing buildings whose exteriors will be rehabilitated and restored in a manner consistent with their architectural integrity.

Two small mill buildings have also been renovated for elderly housing through the use of State housing funds.

It is clearly demonstrated by the aforementioned activities that all facets of the city are committed to the implementation of the Lowell National Historic Park. By adopting goals and objectives of the park, the city has guaranteed consistency and accord. The goals of the national park are in fact the goals of the community. To insure this, as mayor, I have appointed a national park subcommittee in the Lowell City Council to aid in the implementation of the park.

The city manager and his planning staff have met on many occasions with regional officials from the National Park Service to insure that local development activities are consistent with the park.

We have also reviewed and discussed the legislation's enforcement mechanisms in terms of zoning and standards and criteria and find them acceptable to the city.

We have acknowledged the need for a partnership in the development of the park concept as we have experience with the State's implementation of the Lowell Heritage State Park.

We also, however, see a strong need for the proposed Commission to be included in this partnership and beyond the role of the National Park Service. We feel the Commission would act as a catalyst for the park by allowing for local input into the formulation of the park plan, by encouraging the cooperation of all segments of the community and Government, and by engaging in critical roles that the National Park Service cannot undertake; namely, using easements, cooperative agreements, grants, and loans to encourage historic preservation, maintaining an emergency fund to save critical historic structures, establishing and enforcing standards and criteria and the implementation of new zoning laws, and visitor transportation, which is essential to attracting tourists and avoiding possible downtown congestion.

It is our feeling that without the Commission, the integrity of the park would be endangered. Scattered restoration projects without

proper development controls and adequate incentives for proper development of adjacent sites would not preserve the 19th century flavor and character that presently exists in downtown Lowell.

Since this plan emerged from the people of Lowell, their participation in its implementation is essential.

From our experiences with the Lowell Historic Canal District Commission, a local, State and Federal park commission can work together to provide only the best of results in the implementation of the Lowell National Historical Park.

As spokesperson for the citizens of Lowell, I ask for your support in the creation of the Lowell National Historical Park to celebrate the important role the industrial revolution played in the history of our great Nation.

Thank you. I might add a brief comment. We are quite confident under the able leadership of Congressman Tsongas the bill will be received favorably in the House. You can help us and the quarter of a million citizens in the greater Lowell area to make the city all it should be. Thank you.

Senator METZENBAUM. I have a couple of questions. One is when the House considered this question on Monday under suspension of the rules there was some question the Commission being established under this legislation would act as an urban renewal agency to revitalize and clean up the city of Lowell under the guise of park and preservation plan. My question to you is is this a fact? Is this another kind of urban renewal plan for the city of Lowell?

Mayor ROURKE. No, sir. We don't believe, as individual citizens representing the city of Lowell, this is a glorified urban renewal project. We believe the history of industrial revolution which began in the New England area, particularly in the city of Lowell, that this will not be a glorified urban renewal project.

Senator METZENBAUM. Let me ask you—I can understand your desire to make this into a national park area. My question is why do you need a commission? Why do you need a national commission? It seems to me we are going to have urban parks in a number of cities throughout the Nation before too many years. If I have my way, I would like to see us move in that direction.

But my real concern is imposing upon the Federal bureaucracy more and more commissions. I am wondering whether or not the needs of the community could not be served equally as well by designating this area as a national park area of providing and causing the Federal Government to assume and accept some responsibility for it, which is implicit in that kind of designation, but without the appointment of a commission.

The Commission as I see it is really going to be pretty much of a Lowell Commission. It is going to be members of the city council, three members appointed by recommendation of the city manager, one member appointed on recommendation by the president of the University of Lowell, three members appointed by the Governor of the Commonwealth of Massachusetts, they will all be people who have a local interest and a local concern.

That is fine. I have no problem about that. But I wonder if it would be better to have perhaps a Lowell National Park Advisory Commission that would work with the Secretary of the Interior rather

than to formalize this in this manner which I think does have some objectionable features.

Mayor ROURKE. I believe what you say, sir, is true but this Commission actually would act as an advisory commission to the National Park Service.

Senator METZENBAUM. I realize that. But I guess what I am saying is that we are all working to eliminate Federal bureaucracy. This bill adds to the Federal bureaucracy. The thrust of my question is could the citizens of Lowell and could the desirable aspects, features, of this bill not be totally fulfilled without the creation of this Lowell National Park Commission?

Mayor ROURKE. We believe, being all local residents, they would act strictly in an advisory capacity to see areas adjacent to the national park area proposed and other areas of the city would live up to the criteria established in that particular area.

It would not be well for us to have a segment of the city set aside as a national park and have it maintained in a high standard and have other areas of the city be very loosely run as far as planning is concerned.

This Commission would act in that capacity, to see that the new industries and new commercial ventures coming into the city would be of high standard.

Senator METZENBAUM. I think we could draft legislation that would make that possible, that would provide for that but it seems to me this would create a commission of people from Lowell in the main and would wind up spending \$21 million in Federal funds. I would have less difficulty in saying here is \$21 million for the city of Lowell to go ahead and do this job.

It seems to me you want to have your cake and eat it, too.

Mayor ROURKE. I believe, Senator, these people would be all people of high standard, people that have investment in the community and I am sure having served in the House of Representatives of the Commonwealth of Massachusetts for some 22 years and I realize compromise is the art of politics, while we would like this Commission, Senator, if it were your wish and the wish of the subcommittee and the full committee and the full Senate body that the bill could better be suited without this Commission, we certainly would be as grateful—but not as grateful as we would be if we had the entire package, with the Commission.

Senator METZENBAUM. I like your approach and your style and I hear your message loud and clear.

Senator HANSEN. Thank you very much.

Mayor ROURKE. If I might, Senator, could we have the patience of the committee for a few more minutes so the very distinguished superintendent of schools in Lowell, Dr. Patrick Mogan, who is the father of this plan, might give you a little more detailed information because of his expertise in this particular subject.

Dr. MOGAN. The reason for the commission is we are trying to portray a process in order to perpetuate and preserve what we have now. It was the fact that a number of people, working with a number of people who came in from Harvard and MIT were able to identify these resources we have that tell this very important part of the story of America.

All of the resources have not yet been identified. There are many of these resources that are outside of the intensive zone, so these resources that are outside will complement and add more to the original investment that was made.

We have five stories to tell. We have the story of hydropower and technology; we have the story of immigration; we have the story of living and working in an industrial city; we have the story of energy. All of the time we are identifying more of these resources and this is being done and has been done by many of the local people. We have had the Society of Industrial Engineers having their annual convention in Lowell. While they were there, they identified more resources that were there and could complement and tell this story. I have found out in my own experience, let's say particularly in education, most of our time unfortunately is taken up by keeping the operation going. The infusion of new knowledge seems to interfere with the process.

The interpretation of this story in the intensive zone by the National Park Service is a full-time job. The complementing of what they have to say and identifying these resources around it in the preservation zone will give more meaning to what was actually being done.

We thought it would be too much work alone for the National Park Service to do the operation and start identifying and preserving the additional resources. Otherwise, many, many important facets, like we are finding underground resources, underground feeder canal systems. We are finding other things outside this particular zone but are in the preservation zone.

That is why we think it is necessary to have a commission to complement the work the National Park Service would be doing.

Senator METZENBAUM. Dr. Mogan, I really commend you. I think this is a tremendous plan and I as an individual would like to visit Lowell after the restoration has been completed and I support your concept. My concern really relates much to what I was saying to the mayor. That is, I can see a hundred of these commissions over a period of years running around Washington being attached to the Secretary of Interior and I feel very strongly about eliminating commissions rather than adding on to the Federal bureaucracy.

Dr. MOGAN. I can agree 100 percent with you on that. But I have one added ingredient to add to this. It is virtually impossible for any institution to do the job as an autonomous agency. What we are asking for and having here is the interdigitation of all of the resources. In other words, we don't want to have anything happen here. When the Department of Natural Resources is doing something or when anyone in the private sector is doing something, we want it to complement what is being done. We cannot see the National Park Service in addition to the operation going and putting all of this time in to manage this additional work that is being done.

We found a very, very good area that was in the process of being used for something else, and has a terrific story to tell, about the story of energy. These are the things we think would be beyond the work of the National Park Service.

Senator METZENBAUM. Let's see whether the geniuses we have working on this subcommittee can't come up with some substructure that is acceptable to Senators Kennedy and Brooke who I know have a great interest in this legislation and to you, as the father of it, I will say we will make a strong effort to be supportive of it.

Dr. MOGAN. Here is a very small example. Here is a mill building that was beside the park that was done by the State. The State Heritage Park, this was going into housing. In fact, we nurtured this to go into housing. This is the development that was done. It is not only a living place for some it is part of the interpretation of how America made the transition from agrarianism to industrialism.

The people living here, the lifestyles, some of the people here worked in the same spot when they were 12 years old, working in the mills. We have picked that up. We have done this through the school system. We have done it through the other institutions in Lowell and this is complementing the story.

What we are trying to portray here is a way of life. The way of life is dynamic. It is still going on. We are not trying to capture one particular period of time. We are trying to capture a process and the process of industrialism is still going on in the city.

This is the story we want to tell. We want to tell America how they came to be what they are. This is a part of the story. It is not all captured. There are many other elements to be identified.

Senator METZENBAUM. You have sold me on the concept. Now it is a question of implementation.

Mayor ROURKE. We would love to have you visit us. We will make you an honorary citizen.

Senator METZENBAUM. I would love to do that.

Mr. KENNEDY. Can anybody else say a couple of words, being as we came all the way down to Washington? I am city councilor, former mayor of the city of Lowell. I am also chairman of the steering committee of the State Heritage Park.

What I want to bring out is why we want the Federal Government. It is a partnership. By working out with the city and State very intimately, with the Federal Government it will be a partnership that everybody will have an interest in.

This is the main thing of why that Commission should be made. The other thing I wanted to mention, that building he just showed you I happen to be the contractor who did that particular building. Of the thousands of apartment buildings I have put up in my lifetime, there is none that has received or has been received by people as well as that particular building. It is an unbelievable thing.

The other thing I wanted to mention, I don't believe there is a park or museum in the country that is devoted to working people. This park will be devoted to the working class citizens of this country. I think it deserves to be looked at. We appreciate anything you can do about it. Thank you.

Senator METZENBAUM. Now Mr. Delaney wants to say something.

Mr. POLLARD. I share your apprehension about expanding federalism. I think our generation and you are in my generation—

Senator METZENBAUM. I am really very young.

Mr. POLLARD. Up there there is an old saying that the fellow that pays the fiddler is expected to have the first dance. I think the Federal Commission was expected because it was expected you cannot do so much without having some final say in the ultimate management of this park. Our faith is in the Congress of the United States, and I am sure this park, as important as it is to New England and to the country, would not be a departure from a growing federalism—would be a departure from the federalism I have seen in my lifetime.

Senator HANSEN. May I say the hearing record will be kept open. I appreciate the distance you people have come and the intensive interest that you have in this project and the desire of each of you to express your views. I am sorry we are under some time constraints, but I think it will make necessary summarizing very briefly any further statements, if there are further statements to be made. I would hope you would avail yourselves of the opportunity to submit statements for the record. All of the others here at the table, if you would like to say a word or submit written statements, would you identify yourself—

Mr. DELANEY. I just want to say a few words if I could for a second. As far as the Commission, I believe only seven of those people have to be from Lowell. I think the rest can be picked by the Governor. They do not have to be residents of the city of Lowell. I wanted to clarify that fact.

Senator HANSEN [presiding]. Let me then conclude this part of the hearing by expressing my appreciation to all of you who have come down here to make your able presentation this morning. We appreciate your presence, and certainly the full committee will be keenly interested in what you have had to say.

Mr. Hutchinson, we are very pleased to have you with us as we ways are. May I say your entire statement will be included verbatim in the record; if you would care to summarize it, it might be helpful, sir.

STATEMENT OF IRA J. HUTCHINSON, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, ACCOMPANIED BY DR. RICHARD CURRY, CHIEF, OFFICE OF LEGISLATION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. HUTCHINSON. Thank you, Mr. Chairman. Certainly, I will make an effort to do that. I would like to preface my remarks by, of course, noting this is my first opportunity—in fact, my first privilege—to appear before this committee; as luck would have it, of course, I have been preceded by a couple of high-powered gentlemen, Senators Kennedy and Brooke, and, of course, my own Director, I believe, has appeared before you.

Nevertheless, it remains a privilege and a pleasure, and I will proceed with my statement.

Mr. Chairman, I appreciate the opportunity to testify on this legislation today. With certain modifications set forth later in my statement, we support the enactment of S. 2817.

On December 22, 1977, Secretary Andrus designated as a national historic landmark the locks and canals historic district in Lowell, Mass. This section clearly established the national significance of the district. The textile industry and mills have made Lowell famous around the world for its planned community and humane treatment of workers. The development of hydropowered machinery, the concept of “the corporation,” the work/live environment of the planned community, the scattered ethnic neighborhoods and their rich traditions—all contribute to the visitors’ understanding of not only the beginnings of commerce and industry in this Nation, but also the evolution of that industry and the impacts that were felt by the

citizens of Lowell and the structure of the city itself. Seldom is there such a rich opportunity to tell the story of so many facets of "American life evolving."

In recognition of this rich opportunity, Public Law 93-645 was signed into law on January 4, 1975. This law established the Lowell Historic Canal District Commission and charged the Commission with the responsibility of preparing a plan for the preservation and interpretation of Lowell. The Commission transmitted its report to Congress on January 3, 1977, and the legislation we are considering today proposed to implement the concepts of that plan.

Mr. Chairman, the legislation that was initially introduced has undergone many changes. Some of these changes were in direct response to the administration's testimony before the House Subcommittee on National Parks and Insular Affairs on February 17, 1978.

Briefly, the legislation would establish the Lowell National Historical Park, which would consist of the old city hall, the Merrimack Gatehouse, the Linus Childs House, the Bott Mill Boarding House, a portion of the Wannalancit Mill, and the area surrounding these structures as outlined on the map, as well as the historic locks and canals district and attendant structures.

The remaining portion within the exterior boundary will be known as the Lowell Historic Preservation District. The legislation would direct the Secretary to become involved in six specific sites but grants him authority to provide technical assistance, direct grants not to exceed \$21.5 million, and interpretive services within the preservation district. It would be the responsibility of the Lowell Historic Preservation District Commission, which would be established under the legislation, to manage the historic preservation district.

More specifically, the Commission will, within the park itself, use easements, grants, and agreements—acquisition only as a last resort—to provide for the preservation of 10 designated sites in what is known in the Lowell plan as the "intensive use zone." Within the park and the preservation district, the Commission will develop a preservation plan which will detail the Commission's future development, management, and budgetary proposals. This plan, which would also include an index of historically, culturally, and architecturally significant properties, would have to be approved by the Secretary.

We strongly support the enactment of legislation that establishes the Lowell National Historical Park and which contains the following elements:

(a) Provision for the Secretary, through the Heritage Conservation and Recreation Service (HCRS), to develop guidelines and standards for and inventory of historic resources, to be performed by a State and local governmental body, and review and determine levels of significance of the inventoried sites.

(b) Authorization for the National Park Service to provide \$17 million in supplemental grants to a State/local governmental body, for preservation of sites identified in the inventory. These grants would not require a non-Federal match. Additional Federal support could be available through the historic preservation grant program.

(c) Authorization for the National Park Service to acquire, in fee or other than fee, Old City Hall, Merrimack Gate House, Wannalancit Mill, the Agents' House, and the Bridge Street Boarding House.

(d) Designation of the Heritage Conservation and Recreation Service, as the coordinator of all Federal programs potentially affecting the historic area in order to assure consistency of Federal actions.

(e) Provisions for a mechanism to protect the Federal investment in properties which are assisted by Federal grants under (b) above.

We believe that the Heritage Conservation and Recreation Service is the appropriate agency to coordinate Federal, State, and local programs, as well as to assist in the development of local ordinances that will insure attainment of the objectives of the park. Further, with the programs available to HCRS, they are more appropriately the agency to coordinate technical and financial assistance to individuals, organizations, the city, and the Commonwealth throughout the entire park.

As to the functions of any commission to be established in this legislation, we recommend its functions be advisory rather than operational. The report of the Lowell Historic Canal District Commission, dated January 3, 1977, recommended the establishment of an interim Federal commission to include representatives from all levels of government, to advise the Secretary on the development and management of the park. We have no objection to the establishment of an advisory commission as recommended in the January 3, 1977, report.

The powers of the Commission in S. 2817, however, go far beyond those of an advisory commission. Under the concept we recommend, we would involve the Federal Government directly in the management of only certain historic properties. Preservation of other properties in the city would be a function of local and State government with Federal financial and technical assistance. Accordingly, establishment of a Federal Commission with the operational and regulatory powers enumerated in S. 2817 would be inconsistent with our recommendation.

We recommend that the Commission created by the legislation be invested with the following functions:

1. Advising the Secretary of the Interior on the management plan for the park, acquisition plans, and development and rehabilitation of the sites which we intend to acquire.

2. Advising the Secretary with respect to the use of the supplemental Federal grants.

We believe also that the Commission should be limited to a 5-year term. We concur in the membership of the Commission as set forth in S. 2817, and we would support its establishment with the foregoing changes.

We estimate that the cost of our recommendation will be approximately \$11,800,000 for direct acquisition and development by the National Park Service plus \$17 million for supplemental grants. Any additional Federal funds for rehabilitation or acquisition will be derived from the State's allocation of the historic preservation fund or through other existing Federal assistance programs.

The administration realizes that no precedent exists for our recommendation that supplemental grants be made by the National Park Service. However, we believe that the precedent is warranted at Lowell due to its unique ability—more so than any other city—to portray the beginning of commerce and industry in America. Lowell represents an opportunity for preservation and adaptive use that should not be lost.

That concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions that you or other committee members may have.

Senator HANSEN. Thank you very much, Director Hutchinson. May I say it is my understanding the House version of this bill is a significant reduction as it was introduced. I understand also many professional personnel in the National Park Service in their review of Lowell would include other specific sites in addition to the ones included for budget considerations.

I wonder if you might be able to give us a professional evaluation for the record of these concepts? Maybe it might be helpful, if you might like to take——

Mr. HUTCHINSON. We would be pleased to provide that for the record. [Not received in time to be incorporated in the record.]

Senator HANSEN. If you would, that would be fine. We will have perhaps a number of inquiries to you both for the record. We will submit those with the understanding you would submit them.

Dr. CURRY. Senator, you mentioned earlier about Chattahoochee and Lowell. We think both of these proposals which of course are supported by the administration, are resources of national significance that by accident remain largely intact, although they have been enveloped by urban growth.

The genius of Lowell is that it could have taken the traditional park approach because of the national merit of the resources to be conserved. It did not. Instead, this envisions a partnership of Federal, State, and local government to conserve as a living historical landscape the city of Lowell. Time has forced the commingling of the city of Lowell, 20th century Lowell, with the past, the public use areas with private development. But Lowell is a living entity and not a detached museum and you cannot deal with one of these elements and totally ignore the present, the historic element.

We urge you to examine this legislation before you, the concepts of this legislation very closely because it does, in fact, create genuine partnership and it does limit the Federal role while protecting the Federal interest and by design it does extend, as you can see on the presentation maps, the influence of the historic elements well beyond that which is defined by the park proper by utilizing a host of non-acquisition alternatives for historical preservation.

This really is, Senator Hansen, an opportunity, although it is a single piece of legislation. The Lowell legislation contains the seeds of the kind of policy that you are talking about. So the administration is happy to appear before you on this legislation.

Senator HANSEN. Do you feel the physical resources of the cultural and historical story Lowell has to tell are not adequately represented in other units of the National Park System?

Mr. HUTCHINSON. We do not, sir.

Senator HANSEN. Thank you very much for your appearance. We will have further questions in all likelihood to submit. We will anticipate receipt of your written response.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Senator HANSEN. Mr. Lienesch, we have been on S. 2817 for almost 2 hours. Would you be willing to submit your statement for the record in order that we might, and I don't mean at all to minimize the importance of your statement or the feelings that reflect the National

Parks and Conservation Association. I have for a long time admired that organization. But we do have this problem. We have two other bills that are scheduled for hearings this morning. I am sorry that I have obligations that are going to require my adjourning this hearing before too long. Would you be agreeable, sir, to submitting your statement? Do you have a prepared statement?

Mr. LIENESCH. I do have a prepared statement, and I could summarize it in a very few minutes.

Senator HANSEN. Fine.

STATEMENT OF WILLIAM C. LIENESCH, NATIONAL PARKS AND CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Mr. LIENESCH. Mr. Chairman, this morning I am representing not only the National Parks and Conservation Association but four other groups as well: The Friends of the Earth, the National Audubon Society, the Sierra Club, and the Wilderness Society.

We are in full support of the establishment of the Lowell National Historic Park. Other speakers today have indicated the resources there. I will not go over those but only mention that we believe the resources are significant and they are not overrepresented in other parts of the national park system and that in fact they may be under represented and for that reason, that would be an additional reason for inclusion in the national park system.

Mr. Chairman, many of the issues in discussion today, much of the discussion today, has been centered around the question of the Commission. I would like to state all of the groups are in full support of a very strong Commission. We believe the Commission would have some very definite advantages. I will mention briefly three of those.

One, ultimately it may result in less Federal investment than if you went an additional route. That is, you would have to buy less of the structures in fee or easement and would bring to bear State or local resources you might not otherwise have. Second, many of the park units have problems with adjacent land uses. With the Commission approach, with the preservation district, you will have if nothing else a very strong buffer area around the structures that will be bought so they will not be surrounded by incompatible land uses adjacent which we find in other parts of the park system. Finally, we believe the Commission will be more effective in preserving the total resource than if we go about it in a way individually where every government would take its own actions individually.

Only one other major point I would like to make, Mr. Chairman, since you are short of time. That is the legislation also provides in section 102 for some very definite protective measures; namely, the Federal agencies would have to be consistent with the standards and criteria developed by the Commission, and Federal agencies could not issue licenses and permits that the Secretary of the Interior found in conflict with the park or the preservation district.

There are also protective measures in there to insure the Federal investment such as the Secretary having to approve the plan developed by the Commission. We believe this is also a very protective measure from the Federal side.

That briefly concludes the points in my testimony, Mr. Chairman. I would be happy to answer any questions you might have.

Senator HANSEN. Let me thank you, Mr. Lienesch, for your excellent summary and for your consideration of the time restraints under which we are operating. We very probably may have some questions that would include some requests to you, sir, with the understanding the hearing record will be kept open. We thank you for your appearance here and for your cooperation.

[The prepared statement of Mr. Lienesch follows:]

STATEMENT OF WILLIAM C. LIENESCH, NATIONAL PARKS AND
CONSERVATION ASSOCIATION, WASHINGTON, D.C.

Mr. Chairman and other distinguished members of the Subcommittee: I am William C. Lienesch, representing the National Parks and Conservation Association, located at 1701 18th Street N.W., Washington, D.C. 20009. NPCA is the principal national conservation organization dedicated to the preservation of the national park system. For purposes of this hearing I have been authorized to represent: Friends of the Earth, National Audubon Society, Sierra Club, and the Wilderness Society.

We are in full support of the addition of the Lowell National Historic Park in Massachusetts to the national park system. Lowell is a nationally significant historical area that qualifies for inclusion in the national park system. The park system does not now include a unit which exemplifies so many different facets of the industrial revolution. Lowell is not only a tremendous example of the technical side of the industrial revolution, but it also embodies the social and cultural side as well.

The preservation of Lowell will involve the local, State and Federal Governments working together. The three levels of government brought together formally in the Lowell National Historical Park Commission. This commission will be responsible for developing a plan which will ensure the protection of the preservation district which surrounds the area which will be the national historical park. The plan developed by the commission will also provide for many other actions including a transportation program, implementation of grant and loan programs, and the standards and criteria applicable to the construction, preservation, restoration, alteration and use of all properties in the preservation district. The commission will play a central role, and we believe that the legislation provides it with the necessary authority and responsibilities to carry out its role successfully.

The legislation, S. 2817, also calls for the involvement of all three levels beyond their inclusion in the commission. The National Park Service will administer the historical park and provide various services in the preservation district. The state government will play a major role in the transportation system for the park. Local government will establish regulations or laws consistent with the commission's standards and criteria to ensure compatible development in and protection of the preservation district.

The legislation establishes an innovative and sound approach which involves all three levels of government. By utilizing the authority and resources of all three levels, the end result will be a park and preservation district which is much better than would have been the case if all three levels were not involved as they are. This is a very promising approach and is one which should be utilized elsewhere. The specific responsibilities of the levels of government may vary depending on the circumstances, but there is a great need to bring the three levels together cooperatively as has been done in S. 2817.

This approach also has the major advantage that the significant involvement of state and local government will result in less federal expenditure and more protection and preservation of the area. The federal government could not afford to buy all of the land and structures in the preservation district. The land and structures will be protected through the commission and the laws or regulations enacted by the city of Lowell. This will have the added benefit of providing compatible uses adjacent to those properties which are part of the national historical park. Too often, the resources of national park system units are harmed by incompatible adjacent land uses. This approach allows us to protect much more than the structures and lands which will be purchased by the federal government.

S. 2817 also provides for the protection of the federal investment. Section 204 authorizes the Secretary of the Interior to withhold funds if either the commis-

sion or the city of Lowell fails to fulfill its responsibilities. While there is no reason to believe that either the commission or Lowell will fail. Section 204 does provide protection, and some impetus to the commission and Lowell to fulfill their responsibilities.

Section 102 of S. 2817 provides for the cooperation of federal agencies. It would ensure that the activities of any federal entity would be consistent to the maximum extent practicable with standards and criteria established by the Lowell National Historical Park Commission. In addition, no federal license or permit could be granted if the Secretary of the Interior finds that the granting of the license or permit will have an adverse effect on the resources of the park or preservation district. We are very much in support of this section and believe that a similar requirement should be established to protect all national park system units. The investments made in the national park system should not be lessened by the unwise and inconsistent activities of various federal agencies.

The establishment of the Lowell National Historical Park would be a welcome and valuable addition to the national park system. As I have already indicated, S. 2817 includes the very sound approach of significantly involving local, State and Federal Governments jointly. We strongly support this approach, and urge your support of the Lowell National Historical Park.

Senator HANSEN. Next, S. 2699, to amend the Archeological and Historic Preservation Act of 1974. May I ask Dr. Connally, Dr. Grayson, and Dr. Chapman to come to the hearing table. And Dr. McGimsey.

STATEMENT OF DR. ERNEST ALLEN CONNALLY, ASSOCIATE DIRECTOR, PRESERVATION OF HISTORIC PROPERTIES, HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR

Dr. CONNALLY. Thank you, Mr. Chairman, for hearing us today. I have a statement which I will offer for the record. I will summarize very briefly, Mr. Chairman, by saying the administration has proposed a measure which has not been introduced yet which would give us an authorization for archeological salvage program for 2 years, with an authorization for appropriations as may be needed in the second year.

The reason for that, Mr. Chairman, is there has developed in this program now over the years some problem with the growing number of artifacts that have been uncovered in these investigations—that is, Federal property—and it has been housed at museums and universities throughout the country. It has not been much of a problem, but it is getting to a dimension that requires attention.

So we have a contract for a study of that problem. We were not sure at the time this proposal was being prepared what the fiscal dimensions of that would be. However, I would say it is my professional opinion the levels indicated in S. 2699 would cover it.

Senator HANSEN. Thank you, Dr. Connally.

[The prepared statement and subsequent submittal of Dr. Connally follows:]

STATEMENT OF DR. ERNEST ALLEN CONNALLY, ASSOCIATE DIRECTOR, PRESERVATION OF HISTORIC PROPERTIES, HERITAGE CONSERVATION AND RECREATION SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the subcommittee, it is a privilege to appear before you today to discuss S. 2699. The bill extends the funding authorization for the Secretary of the Interior in the Moss-Bennett Act, as amended (Public Law 93-291), which will terminate on September 30 of this year.

This act provides for the scientific recovery, preservation and study of significant archeological sites and materials and historic resources which might

otherwise be irrevocably lost or destroyed during a Federal or federally related project. Under the act Federal agencies are able to spend up to one percent of the funds authorized to be appropriated for the project on recovery of archeological and historic data.

The act also authorizes the appropriation of funds to the Secretary of the Interior to advise and coordinate the recovery operations of other Federal agencies in order to assure they are done in a professional and fiscally sound manner. We estimate that the Secretary's reviews and suggestions on research design and contract procedures of proposed Federal salvage projects saved more money than the total appropriations to him under this act over the past four fiscal years.

In addition, the act authorizes the appropriation of funds to be used by the Secretary of the Interior for the recovery of archeological or historic data. The Secretary uses these funds to: (1) Augment the one percent limit in projects where data recovery costs are high due to important or extensive archeological or historic remains, or because the Federal project is small in relation to the archeological effect; (2) fund recovery of cultural resources when a Federal agency has no appropriations to do so such as in permit, license, or loan guarantee projects where there are no construction appropriations; and (3) fund investigations when Federal agencies have not reprogrammed for the authorized one percent expenditure.

While the act permits Federal agencies to transfer funds to the Secretary to administer or perform data recovery (\$549,215 was so transferred in fiscal year 1977), this leaves many needs unmet. The Secretary needs the continued independent funding authorized by the act.

S. 2699 would extend the funding authorization for the Secretary for five more fiscal years at a gradually increasing level to reflect modest expansion of the program and rising administrative costs: \$3.5 million in 1979, \$4 million in 1980, \$5 million in each of fiscal years 1981 and 1982, and \$5.5 million in 1983. Because use of these funds is in response to the activities and schedules of other agencies, the bill makes them available until expended.

The administration submitted proposed legislation to the Congress on March 20 which has the same objective as S. 2699. However, the administration's bill would extend the funding authorization for the Secretary only for two fiscal years—at \$2.3 million in fiscal year 1979 and at an open ended level in fiscal year 1980. We recommended the enactment of S. 2699 if it is amended to conform to the administration's proposal.

Under the legislative mandates of the National Environmental Policy Act and the Historic Preservation Act of 1966, Federal agencies have been required to consider cultural resources in their planning process. Even with careful planning, conflicts do occur between proposed public works projects necessary for carrying out an agency's mission and the preservation of the Nation's archeological and historic heritage. The Moss-Bennett Act provides a method to allow such public works to go forward while preserving significant information on the past which otherwise would be totally lost to the public, scientific community, educational institutions, and future generations.

We believe it is imperative that the Secretary of the Interior's vital role in coordinating the recovery of historic and archeological resources under this act be continued.

This concludes my formal statement, Mr. Chairman. We will be glad to respond to any questions you may have.

U.S. DEPARTMENT OF THE INTERIOR,
HERITAGE CONSERVATION AND RECREATION SERVICE,
Washington, D.C., April 12, 1978.

H24-IAS

Hon. JAMES ABOUREZK,

Chairman, Subcommittee on Parks and Recreation, U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: Enclosed, as requested by Senator Clifford P. Hansen, are responses to the subcommittee's informal questions to Dr. Ernest Allen Connally on Thursday, April 6 during hearings on S. 2699. We hope this information will be helpful to you.

Sincerely yours,

CHRIS THERRAL DELAPORTE,
Director.

Enclosure.

1. The administration's proposed bill, with its two year authorization, would fund our program to a minimum necessary level in fiscal year 1979 (\$2.3 million). The funding level for fiscal year 1980 at an "as necessary" level will allow Interior to continue regular programs under the act and provide for the possibility of improving curation of the archeological specimens and data collected as a result of Federal activities. Cost estimates for these needs are being studied now and are expected to be available by fiscal year 1979.

S. 2699 authorizes the program at a higher level for fiscal year 1979. It also includes a 5-year authorization, which would assure continuity of the program over a longer period of time. The administration's proposed bill and S. 2699 are compatible in their approach.

2. No. The appropriations over the past 5 years have not equalled authorization levels. Appropriations to the Secretary under Public Law 93-291 to date:

Fiscal year	Authorized	Appropriated
1974.....	\$2,500,000	\$1,811,000
1975.....	3,000,000	1,819,000
1976.....	4,500,000	1,847,000
1977.....	4,500,000	1,831,000
1978.....	4,500,000	2,300,000

3. As stated in answer to question (1), the administration's bill would cover the needs of our program in fiscal year 1979 and fiscal year 1980. However, S. 2699 provides higher funding for fiscal year 1979, adequate funding for fiscal year 1980, and the important element of 5-year continuity.

STATEMENT OF DR. DONALD K. GRAYSON, REPRESENTING THE COORDINATING COUNCIL OF NATIONAL ARCHEOLOGICAL SOCIETIES

Dr. GRAYSON. Mr. Chairman, I understand the time constraints. I have submitted a lengthy statement. I will be very brief. I will point out simply I am here today as a representative of the Coordinating Council of National Archeological Societies, which is a council composed of elected officials of the six major archeological societies in the United States.

All I want to say is the coordinating council fully favors passage of S. 2699. We feel it is critical passage occur in the current congressional session. We realize if this did not happen, we feel it is critical the authorization be for 5 years not for any shorter period of time. We feel it is critical that funding levels not fall below those contained in S. 2699, and we feel it is important the amendment which would allow funds, discretionary funds, to remain available until they are expended as S. 2699 would allow, should be included.

I will be brief. I will say the Coordinating Council of the National Archaeological Societies fully supports the Senate bill as it stands.

Senator HANSEN. Thank you very much, Dr. Grayson.
[The prepared statement of Dr. Grayson follows:]

STATEMENT OF DR. DONALD K. GRAYSON, REPRESENTING THE COORDINATING COUNCIL OF NATIONAL ARCHEOLOGICAL SOCIETIES

The Archeological and Historic Preservation Act of 1974 (public law 93-291) represents the most recent of a long series of acts designed to protect the archeological and historical site resources of the United States. The principle that

the Federal government should provide protection for such resources was firmly established over 70 years ago in the Antiquities Act of 1906 (public law 74-292). Granting the Federal government broad control over cultural resources, this Act established the principle that the government should be actively involved in archeological and historical site preservation programs. Subsequently, the Historic Sites Act of 1935 (public law 74-292) explicitly declared that "it is a national policy to preserve for public use historic sites, buildings and objects of national significance for the inspiration and benefit of the people of the United States." This policy was greatly elaborated in the National Historic Preservation Act of 1966 (public law 89-665), in which Congress found and declared

"(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"

In implementing this policy, the National Historic Preservation Act of 1966 provided for a greatly expanded National Register of Historic Places, to contain archeological and historical site resources of local, state, regional and national significance. Much of the archeology which is now done in the country relates directly to the program authorized by the National Historic Preservation Act.

The Bill being considered today represents an extension of the Reservoir Salvage Act of 1960 (Public Law 86-523). The Reservoir Salvage Act was explicitly directed toward furthering the policy set forth in the Historic Sites Act of 1935 by providing for the preservation of data from archeological and historical sites which might otherwise be lost as the result of the construction of dams by Federal agencies, or as a result of licenses issued for dam construction by those agencies. Only dams with less than 5,000 acres of detention capacity or those creating reservoirs of less than 40 acres were excluded from the Act, and even here provision was made for the stipulations of the Act to apply if it could be shown that archeological or historical materials existed in the proposed reservoir area.

The Archeological and Historic Preservation Act of 1974 amended the Reservoir Salvage Act of 1960. The legislative history of this Act clearly states the purpose behind the Act: "to expand the application of the 1960 Act providing for the preservation of historical and archeological data to include all Federal or federally assisted construction projects, rather than being limited to Federal dams and reservoir sites." That is, Public Law 93-291 requires that all Federal, or federally related, projects, programs, or activities take into account the effect which they may have on archeological and historical resources.

The Archeological and Historic Preservation Act contains several funding options:

(1) Sections 3(a) and 7(a) of the act provide the basic funding authority for all agencies affected by the act. Section 3(a) states that "an agency may request the Secretary [of the Interior] to undertake the recovery, protection, and preservation of such data . . . or it may, with funds appropriated for such project, program, or activity, undertake such activities [itself]." Section 7(a) stipulates that the needed mitigation work may expend up to "1 per centum of the total amount authorized to be appropriated" for the construction project involved, with the exception that this limitation does not apply to projects involving \$50,000 or less. Under the combined stipulations of sections 3(a) and 7(a), these funds may be expended directly by the Federal agency involved, or may be transferred to the Secretary of the Interior, who will in turn cause the required archeological or historic site salvage work to be conducted.

(2) Sections 3(b) and 7(b) involve a narrower range of activities than those referred to in sections 3(a) and 7(a). These sections are directed toward any Federal agency which "provides financial assistance by loan, grant, or otherwise to any private person, association, or public entity." If such financial assistance might lead to the loss or destruction of significant archeological or historical data,

and if the conduct of the required salvage work would place an undue burden on the applicant for those funds, the Secretary of the Interior can at his discretion use funds authorized by section 7(b) to fund the required salvage. If no undue hardship is caused by the requirements of the Act, then the granting agency may use the authority provided by section 3(a) to stipulate appropriate conditions of Federal support.

(3) Sections 4(a) and 7(c) provide for a transition period between the initial enactment of Public Law 93-291 and such time as Federal agencies fully develop their cultural resource salvage programs. Section 4(a) authorizes the Secretary of the Interior to survey, recover, and preserve "such data (including analysis and publication) which, in his opinion, are not being, but should be, recovered and preserved in the public interest." Funds are authorized in section 7(c) to conduct such work.

It is important to note the relationship between Public Law 93-291 and other Federal planning requirements relating to cultural resources—the National Environmental Policy Act of 1969 (Public Law 91-190), the National Historic Preservation Act of 1966, Executive Order 11593, and the procedures of the Advisory Council on Historic Preservation. These planning procedures require that all projects conducted by, or permitted by, Federal agencies be preceded by an environmental assessment which includes the identification and assessment of significance of all cultural resource items and sites which may be affected by the proposed project. Such assessments occur regardless of Public Law 93-291, and prior to the entry of Public Law 93-291 considerations into the planning process.

If the surveys conducted as a result of these Federal requirements demonstrate the existence of significant archeological or historical data within the project area, and such data cannot be preserved through modification of the planned project, then the stipulations of Public Law 93-291 come into play. Under these stipulations, the Federal agency may either perform the required recovery, protection, and preservation procedures on its own in accordance with Department of the Interior guidelines, or it may request the Secretary of the Interior to perform such work. Thus, Public Law 93-291 supplements, but does not take the place of, other Federal planning requirements dealing with cultural resources. In so doing, Public Law 93-291 allows Federal agencies to more closely comply with the national policy of preserving and protecting cultural resources.

In sum, the Archeological and Historic Preservation Act of 1974 requires that all Federal agencies recover, protect, or preserve, or cause to be recovered, protected, or preserved, archeological or historical data which would otherwise be lost or destroyed as a result of projects, activities or programs which these agencies conduct or allow to be conducted. Up to 1% of project funds may be expended for such archeological and historical data salvage operations; discretionary funds are also made available for those instances in which project funds are not available for the required salvage. In any instance, provisions of the Act are to be carried out only after the agency has complied with the National Historic Preservation Act, the National Environmental Policy Act, Executive Order 11593, and the procedures of the Advisory Council on Historic Preservation. The act thus supplements, and does not supplant, these other directives.

THE EFFECTS OF PUBLIC LAW 93-291

The goals of the Archeological and Historic Preservation Act of 1974 have yet to be fully achieved. As the National Park Service recently pointed out in their fiscal year 1976 annual report on the Archeological and Historic Data Recovery Program, "many Federal agencies, especially at the regional and local levels, are not fully aware of the historic preservation process or of their responsibilities under the National Historic Preservation Act of 1966, the National Environmental Policy Act of 1969, Executive Order 11593, and the Archeological and Historic Preservation Act of 1974 . . . program effectiveness in many cases is hindered by inadequate internal orientation and sensitivity to the objectives of the national historic preservation effort. It is further restrained by the absence of sufficient incentives to carry them out despite Congressional and Executive directives." Even though this is true, Public Law 93-291 has been successful: numerous archeological and historical sites which otherwise would have been destroyed with little or no attempt at data recovery have been salvaged using funds provided under the authority of Public Law 93-291.

In order to demonstrate the kinds of accomplishments made possible by the Archeological and Historic Preservation Act, I have chosen a series of six projects to discuss for which archeological and historic site salvage was made possible as a result of Public Law 93-291:

(1) *The Averbuch Site (Tennessee)*

The Averbuch Site is a Middle Cumberland Phase archeological site consisting of a large palisaded village and associated cemeteries. The term "Middle Cumberland Phase" refers to an archeological culture which existed along the middle Cumberland River between A.D. 1100 and A.D. 1500. Peoples of this culture were agriculturalists, lived in large, palisaded villages, constructed temple mounds, and buried their dead in graves constructed from tabular pieces of limestone which were quarried locally. Beyond this, not much is known of these people. Little work on Middle Cumberland Phase sites has been done by professional archaeologists, primarily because most known sites have been destroyed. Much of the destruction resulted from the activities of archeological site looters seeking relics from the village and burial sites. As a result, any undisturbed Middle Cumberland Phase site is of great archeological significance.

The Averbuch Site is one such undisturbed site. The site was discovered in the mid-1970's as roads were being graded during construction of the Royal Hills subdivisions, located approximately 15 miles northwest of Nashville, Tenn. Initially, Middle Cumberland Phase burials were discovered; now, three separate cemeteries and a village are known for the area, all of which were unknown prior to the disturbance caused by road grading, and all of which were undisturbed by archeological site looters. The developer of the Royal Hills subdivision, Mr. Sidney Averbuch, had applied for a mortgage guaranty from the Department of Housing and Urban Development (HUD) in conjunction with development of this subdivision. Discovery of the Middle Cumberland archeological materials led HUD to request the Advisory Council on Historic Preservation to determine whether or not the site was eligible for the National Register of Historic Places. In July 1976, the site was so declared. However, HUD had no funds to salvage the archeological materials involved. In addition, Mr. Averbuch was understandably unwilling to pay for the salvage personally. In March, 1977, Interagency Archeological Services (Department of the Interior) consulted with HUD and the Advisory Council concerning this site. A plan to mitigate the effects of development on the site was prepared, and discretionary Public Law 93-291 funds programmed for fiscal year 1978 to allow salvage of the site to proceed. In November 1977 a contract was issued to the University of Tennessee to salvage materials from the Averbuch site, work which is currently underway. A total of \$128,096 of discretionary Public Law 93-291 funds have been spent or committed for these salvage operations to date. As a result of this work, it was learned that there are at least 35 Middle Cumberland Phase houses within the palisaded village, that there are three stone box cemeteries associated with that village, and that between 2,000 and 2,500 individuals are located in these cemeteries. The salvage excavations have proceeded without interfering with Mr. Averbuch's plans for developing the area: plans for this work were worked out in conjunction with Mr. Averbuch to meet both his needs and those of the archaeologists.

It is important to note that this work could not have been done without Public Law 93-291 funds. In this instance, an extremely important archeological site has been salvaged. In the absence of Public Law 93-291 discretionary funds, the destruction of this site, located on private lands, would have been probable.

(2) *Fort Conde Settlement (Alabama)*

In the mid-1970's, Mobile County, Ala., received a grant from the Economic Development Administration to build a new court house in Mobile. During construction of the court house, artifacts apparently relating to the 1812 French settlement at Fort Conde were encountered, the fort itself located across the street from the construction. Interagency Archeological Services was notified of the discovery on June 5, 1978. It was found that neither the Economic Development Administration nor the grantee had funds to conduct the archeological work which Interagency Archeological Services, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation agreed was necessary. The Economic Development Administration requested that Public Law 93-291 section 7(b) funds be employed to perform the required salvage. A contract using these funds was issued to Auburn University on January 14, 1978; field work was completed on January 29, 1978. A total of \$8,667 was expended for salvage procedures, all of which was provided by discretionary Public Law 93-291 funds. As a result of this work, artifacts were recovered from two separate and early French occupations, one which had occurred during the early 19th century, the other which had occurred during the early 18th century on the same spot. Excavations were coordinated with building activities in such a way that construction

on the court house proceeded unimpeded, thus avoiding any construction delay penalties.

(3) *Madeline Island Project (Wisconsin)*

Madeline Island is the largest of the Apostle Islands, located in Lake Superior, northern Wisconsin. With the exception of Madeline Island, all of the Apostle Islands are in the National Parks system. Construction of sewer systems on Madeline Island have proceeded under the terms of an Environmental Protection Agency license. Construction of one such sewer system threatened to destroy an early 17th century fur trading post and associated Huron Indian settlement. The site to be destroyed was eligible for the National Register. As with the Fort Conde Settlement, neither the Federal agency involved nor the grantee had funds to conduct an archeological salvage program here. Accordingly, Public Law 93-291 discretionary funds were employed to conduct the needed work, and a contract for \$53,594 was issued to Beloit College to perform the required salvage procedures. Because of the high water level in the region, numerous normally perishable items relating to the early historic occupation at this site were recovered. Two reports on this work are currently in preparation: a technical report providing results of the salvage operation to the scientific community, and, a non-technical report written for the general public, including the nearby Chippewa Indian community, discussing the discoveries made as a result of the salvage permitted by Public Law 93-391 funding.

(4) *Hog Creek Project (Texas)*

Soil Conservation Service projects are often relatively inexpensive, but, because of their location, may have major effects on archeological and historical resources. As a result, the 1 percent funding limit placed by Public Law 93-291 may be insufficient to fund the salvage work made necessary by Soil Conservation Service projects. Such was the case at Hog Creek in eastern Texas. Here, a number of archeological sites, including six deep, stratified (culturally layered) rockshelters, were to be lost or destroyed as a result of dam construction. These sites were highly significant: very little professional archeological work had been done in the area, and that which had been done had taken place many years ago, using excavation techniques which were then state-of-the-art but which are crude compared to today's refined procedures. Even were this not the case, the sites still would have been significant: many of the rockshelters held deep undisturbed deposits up to approximately 10 feet in depth and contained cultural material illustrative of over 6,000 years of Native American history. All of these sites were declared eligible for the National Register of Historic Places by the Advisory Council on Historic Preservation. However, funds available for the entire Soil Conservation Service project amounted to \$303,000, meaning that only \$3,030 could be expended for archeological salvage. This sum was totally inadequate for the needed archeological work. As a result, Public Law 93-291 discretionary funds totalling \$194,800 were provided to salvage these sites, through a contract awarded to the University of Tulsa. As above, without Public Law 93-291 funds, it is likely that these important archeological sites would have been destroyed without having been adequately salvaged.

(5) *Salado Creek Watershed Project (Texas)*

When possible, construction projects are modified so as to leave archeological and historical sites unaffected by those projects. Such a procedure not only saves money, but also preserves the sites involved for the future benefit of the American public. An attempt to preserve a significant archeological site, rather than conduct salvage operations of the data contained within it, was made by the Soil Conservation Service during construction of a retention pool, in which water was to be restored and released, in the Salado Creek watershed, San Antonio, Tex. A large, deep archeological site containing cultural material which may span 10,000 years of human occupation was discovered within the area which the retention pool was to occupy. By agreement with the Soil Conservation Service and the Advisory Council on Historic Preservation, this site was to be left on a pedestal of earth above the maximum high water point of the retention pool. This plan was carried out, but it was soon discovered that erosion of the pedestal threatened to destroy the entire site. Salvage of this important, National Register eligible site was essential, but funds for the Salado Creek project were no longer available. Fortunately, discretionary funds authorized by Public Law 93-291 were available, and

were employed to allow this salvage to take place: on January 9, 1978, the University of Texas at San Antonio was issued a contract for \$82,454 to salvage this important site. Again, it was the availability of Public Law 93-291 which allowed salvage operations at this significant archeological site to be conducted.

(6) *Canyon Lakes Project (Texas)*

The Lubbock Lake Site is an extremely important archaeological and paleontological site which contains evidence of the association between humans and extinct Pleistocene mammals in what is now western Texas between 10,000 and 15,000 years ago. This site is important not only for the archeological information which it contains, but also for the rich deposits of late Pleistocene mammals which have been preserved here. In addition, portions of the site also contain later occupations by humans. The site is famous in North American archaeology: discussions of early humans in the New World are incomplete without mention of it. Construction of a dam by the Bureau of Outdoor Recreation in the watershed in which the site is located threatened to destroy parts of this site. Funds for the dam were supplied by the Land and Water Conservation Fund; no monies were available for archeological site salvage. As a result, discretionary Public Law 93-291 funds were employed to support the needed salvage operations. A total of \$88,075 was provided under the authority of Public Law 93-291; to this was added \$15,000 from the city of Lubbock. A contract to perform the salvage was issued to Texas Tech University in September 1976. As in the cases previously discussed, Public Law 93-291 funds allowed the salvage of scientifically valuable information from a National Register quality archeological site which otherwise would have been in part destroyed without the benefit of any data salvage operations.

I have discussed these six projects not because they represent better than any others the value of Public Law 93-291. They do not; they are instead fully representative of the kinds of scientific and cultural benefits which have accrued as a result of the Archeological and Historic Preservation Act. Many other examples could be cited, but all carry the same implication: Public Law 93-291 allows the recovery of scientifically and culturally important data in situations in which such recovery could not otherwise occur.

I must also note that I have presented only projects which employed discretionary Public Law 93-291 funds, those authorized by sections 3(b), 4(a), 7(b), and 7(c) of the Act. I have done this because the prime function of the bill now under consideration is to reauthorize such discretionary funds. A thorough review of all fiscal year 1976 projects authorized under the provisions of sections 4(a) and 7(a) of this Act was presented in the National Park Service report, "Archeological and Historic Data Recovery Program, Fiscal Year 1976", which has been made available to the members of Congress.

The history of these and many other similar projects makes it clear that Public Law 93-291 has had a major beneficial impact upon the nation's ability to salvage scientifically and culturally significant data from archeological and historical sites which would otherwise have been destroyed. It has become clear that it is not often possible to preserve significant archeological and historical sites in the face of construction projects resulting from local, regional, and national needs. The Archeological and Historic Preservation Act of 1974 takes cognizance of this fact by permitting the next best situation: the scientific salvage of data from sites whose destruction is unavoidable. This Act thus represents a crucially important tool in the implementation of the national policy to protect and preserve the scientific and cultural values present in archeological and historical sites.

A DISCUSSION OF REAUTHORIZATION

Reauthorization of the funds which may be appropriated for the discretionary use of the Secretary of the Interior to carry out salvage activities under the authority of Public Law 93-291 is critical to the continued scientific recovery of data from archeological and historical sites which would otherwise be destroyed as a result of Federal or federally related construction activities. The result of lack of reauthorization of these discretionary funds would be the immediate and continued loss of scientifically and culturally important information from a vast number of significant archeological and historical sites. Given the accelerating rate at which such sites are being destroyed as a result of activities over which governments at all levels have little or no control, it becomes increasingly

important to salvage scientific and cultural data from sites whose destruction is made necessary as a result of Federal or federally related construction projects. To fail to reauthorize the discretionary funds provided by the Archeological and Historic Preservation Act of 1974 will result in the destruction of much of the prehistoric and historic record of human occupation in the United States.

It is vitally important that reauthorization of these funds occur during the current Congressional session. If this does not occur, salvage activities authorized by the Act and made possible by the availability of discretionary Public Law 93-291 funds will cease in October 1978. Destruction of archeological and historical sites by Federal or federally related projects would begin at that time and continue to such time as reauthorization occurred. Such destruction should not be allowed to take place. It is the urgent hope of the archeological profession that reauthorization of the discretionary funding sections of the Archeological and Historic Preservation Act of 1974 will take place prior to the end of the current legislative session.

Senate Bill 2699, which reauthorizes these funds and amends Public Law 93-291, was introduced by Senator Magnuson on March 9, 1978. The archeological community, which I am today representing, is emphatically in favor of this bill. The bill would amend the Archeological and Historic Preservation Act in the following ways:

(1) Section 7(b) would be amended to authorize \$6,000,000 for fiscal years 1979 through 1983 for expenditures permitted by section 3(b) of the Act;

(2) Section 7(c) would be amended to authorize \$17,000,000 for fiscal years 1979 through 1983 for expenditures permitted by section 4(a) of the Act. Total authorization under sections 7(b) and 7(c) would be \$3.5 million for fiscal year 1979, \$4.0 million for fiscal year 1980, \$5.0 million for fiscal year 1981, \$5.0 million for fiscal year 1982, and \$5.5 million for fiscal year 1983;

(3) A new section, 7(d), would be added which allows sums appropriated for the purposes of section 7 to remain available until expended.

The archeological community strongly favors passage of Senate Bill 2699. We emphasize that:

(1) It is critical that passage occur during the current Congressional session. Failure to do so will result in the immediate and continuing loss of significant archeological and historical data beginning October 1978.

(2) It is critical that reauthorization be for 5 years, and not for any shorter period of time. Reauthorization for a shorter period of time would vastly increase difficulties relating to the planning of archeological and historical site salvage programs, would imply that salvage of scientifically and culturally important data from archeological and historical sites adversely affected by Federal or federally related construction projects is merely a short-term policy whose requirements can be avoided by postponing those projects, and would seriously hinder the ability of the Secretary of the Interior to build a coherent and efficient archeological and historic site salvage program. The salvage of archeological and historical sites is a time-consuming task which requires meticulous planning at all levels, from the highest administrative rungs to the execution of the field programs themselves. To be properly performed, a lengthy time frame is essential: Senate bill 2699 provides that time frame.

(3) It is critical that funding levels do not fall beneath those contained in Senate bill 2669. Because of the number and magnitude of Federal and federally related construction projects which require the use of discretionary Public Law 93-291 funds, the funding level contained within S.B. 2699 is essential. A decreased funding level would surely result in an inability to meet the goals of the Archeological and Historic Preservation Act—to recover and preserve scientific and cultural data from significant archeological and historical sites which are to be damaged or destroyed as a result of Federal or federally related construction projects. That this is so may, perhaps, be inferred from the funding required for the six projects which I discussed above. Other figures confirm this impression. For instance, \$638,568 of discretionary Public Law 93-291 funds have been expended since August 1974 in the State of Texas alone. Clearly, the funding levels contained within S.B. 2699 are both justified and essential.

(4) Finally, it is important to note that the addition of section 7(d) will allow full use of the authorized funds. Without this addition, a shortfall in 1 year will lead to the destruction of archeological and historical sites without salvage, even if funding across the 5-year period is adequate. With the addition of section 7(d), a shortfall in 1 year can be balanced by any excess funding

which may occur in other years. The increased flexibility which this amendment allows will lead to the salvage of a maximum amount of scientific and cultural data from sites which can be salvaged under the provisions of the bill.

In sum, the archeological profession fully supports Senate Bill 2699. We feel that any less will lead to the destruction of numerous unsalvaged significant archeological and historical sites. As a result, we urge the committee and the Senate to act favorably on this bill. Without the reauthorization of discretionary funding which the bill provides, the Nation will surely lose an important part of its opportunity to learn and benefit from its archeological and historical site resources.

STATEMENT OF DR. JEFFERSON CHAPMAN, DEPARTMENT OF ANTHROPOLOGY, UNIVERSITY OF TENNESSEE, KNOXVILLE, TENN.

Dr. CHAPMAN. I am here from the Department of Anthropology from the University of Tennessee as a concerned archeologist who has been very intimately involved in using some of the resources and solving some of the problems of the destruction of cultural resources.

I have submitted a statement in which I give two examples in Tennessee which I have been quite active with in which resources are being investigated by moneys provided through the law that we are considering here, 93-291. It is my belief that this is extremely vital, that this is extremely important.

I will submit my statement here questing that you all do pass this and act upon it quickly. If we end up with no moneys for salvage for archeology, it is going to be a great loss to our Nation's heritage at the rate things are getting destroyed.

Senator HANSEN. Thank you very much, Dr. Chapman.

[The prepared statement of Dr. Chapman follows:]

STATEMENT OF DR. JEFFERSON CHAPMAN, DEPARTMENT OF ANTHROPOLOGY, UNIVERSITY OF TENNESSEE, KNOXVILLE, TENN.

I am Dr. Jefferson Chapman from the Department of Anthropology at the University of Tennessee, Knoxville. I am a professional archaeologist currently serving as the Principal Investigator of the Tellico Archaeological Project in eastern Tennessee. I am here at my own expense to urge the passage of Senate Bill 2699 and to do so by providing you with two very good examples of why the reauthorization of Public Law 93-291 is so vital to the protection of our Nation's cultural heritage.

Urban growth and development frequently have adverse impacts on prehistoric and historic cultural resources. One such case is in metropolitan Nashville, Tenn., where the Royal Hills Subdivision is currently under construction on the location of a late prehistoric Indian village and its associated cemeteries. Testing by the Tennessee Division of Archaeology in 1975 determined that the Averbuch site was eligible for the National Register of Historic Places, but, unfortunately, the Division did not have either the funds or the personnel to mitigate the adverse impact. The subdivision development is funded with a HUD loan guarantee that qualifies it for archaeological mitigation under Public Law 93-291. HUD, however, was in no position to provide the necessary funds. Fortunately, under the law you are now considering, the Secretary of the Interior was both authorized and had funds to provide for the data recovery program at the site.

Sponsored by the Interagency Archaeological Services (Contract No. CX 5880-8-0145), excavations were conducted during the fall of 1977 and sampled a portion of the village and excavated over 300 burials. The discovery of an additional two cemeteries and a larger than anticipated village created a further crisis to which the IAS has responded with a budget amendment.

By June 1, perhaps as many as 600 burials and a large portion of the village will have been professionally excavated. Without Public Law 93-291 and the appropriations in section 7 of that law, most of these data would have been destroyed.

A second dramatic example of the Interagency Archaeological Services response to the pending destruction of significant archaeological data is in the Tennessee Valley Authority's proposed Tellico Reservoir. Located in the lower Little Tennessee River valley in eastern Tennessee, the reservoir will inundate over 200 archaeological sites. Among these are the 18th century Overhill Cherokee towns and a number of major prehistoric sites than span the last 10,000 years of Indian occupation. The valley is one of the richest archaeologically in the southeastern United States, and to mitigate the destruction of these resources has gone far beyond the one per centum required of and spent by TVA. Under Public Law 93-291, Interagency Archaeological Services has been able to augment the funds expended for both field excavation and analysis. Without this supplement of funds to those provided by TVA, a significant portion of the prehistoric and historic record would not have been recovered.

There are numerous other examples. The principal point I wish to make is that Federal agencies whose activities have adverse impacts on cultural resources do not routinely transfer one per centum for mitigation. Sometimes one per centum is insufficient for the mitigation required. It has been the Interagency Archaeological Services that has enabled the work to be done.

Archaeological resources are nonrenewable and are limited; the impact by Federal agencies on these resources is great. It is essential for the effective continuance of salvage archaeology that bills such as S-2699 be reported quickly out of committee and passed by the larger Senate and House. I, therefore, request that you react favorably in reauthorizing Public Law 93-291 and appropriating money under sections 7b and c. Expenditures to date have had demonstrably good results and have been in the public interest; the future needs will continue to be great and we must be prepared to recover and to preserve our Nation's cultural heritage.

STATEMENT OF DR. CHARLES MCGIMSEY III, DIRECTOR, ARKANSAS ARCHEOLOGICAL SURVEY, REPRESENTING THE SOCIETY OF PROFESSIONAL ARCHEOLOGISTS

Dr. MCGIMSEY. I am representing the Society of Professional Archeologists. I believe I can state the profession with astounding unanimity for an academic group is unanimously in back of this. I feel in working with the Federal agencies they also have been very happy to have this authorization so they can work effectively with the profession.

I would favor the 5-year over the 2-year extension so we can get on about our business and not worry with this legislation.

Senator HANSEN. Thank you.

[The prepared statement of Dr. McGimsey follows:]

STATEMENT OF DR. CHARLES MCGIMSEY III, DIRECTOR, ARKANSAS ARCHEOLOGICAL SURVEY, REPRESENTING THE SOCIETY OF PROFESSIONAL ARCHEOLOGISTS

The primary purpose of Public Law 93-291 has been to increase the awareness of public agencies as to their responsibilities with respect to this nation's rapidly diminishing archeological resources and to increase agency capability for dealing effectively with this responsibility.

Public Law 93-291 has been extremely effective. I believe all federal agencies are now aware of their responsibilities and are endeavoring to meet them. Reauthorization will make possible continued progress in this effort to preserve for future generation our irreplaceable legacy from the past.

Senator HANSEN. Let me conclude by expressing my appreciation to each of you for your obvious cooperation in helping expedite this hearing process. I would like to add parenthetically the University of Wyoming and the State of Wyoming has a very keen interest, and Dr. Frisson is a personal friend of mine out there, and we appreciate the great contribution that archeology and anthropology makes to preservation of our culture and understanding.

Thank you for your appearances.

The next bill we will consider is S. 2566, a bill to amend the Pennsylvania Avenue Development Corporation Act.

Mr. Meszoly and Mr. Harris, would you come forward to the witness table, please?

**STATEMENTS OF PETER T. MESZOLY, ASSISTANT DIRECTOR—
LEGAL, ACCOMPANIED BY F. DAVID HARRIS, ASSISTANT DI-
RECTOR—FINANCE, PENNSYLVANIA AVENUE DEVELOPMENT
CORPORATION**

Mr. MESZOLY. Thank you very much. We, too, will be brief. We would first of all like to express Chairman Quesada's and Mr. Barnes, our Executive Director's, regrets for their inability to be here today. We will try to summarize very quickly their views and our own on this bill.

We appeared here in March of last year to update our activities. Shortly thereafter, the Corporation received its first development funds. Before I address the pending bill, S. 2566, I would like to note in the shortest manner possible what the Corporation has accomplished from the time we received pending.

First, we have acquired a number of properties, the most noteworthy being the historic Willard Hotel. We just issued prospectuses for redevelopment of the Willard Hotel and for other property in its vicinity. We have also purchased property very close to the U.S. District Court-house, a portion of which was subsequently sold to the Canadian Government for their new chancery. The balance of the site will be for public improvements. Construction of improvements to the Pennsylvania Avenue sidewalk has also begun, you can see some of that in front of the new National Gallery extension.

Turning to the bill, S. 2566, is legislation vital to the continuance of the Corporation's operations? It is needed to extend our authorization for appropriations and borrowings and to provide other amendments to the Corporation's enabling act. The first section of the bill deals entirely with technical amendments that would conform the PADC Act's language with the Home Rule Act of the District of Columbia.

The second section of the bill is crucial to continuing development. It would increase our authority to borrow from the U.S. Treasury from \$50 to \$100 million, and extend the period for borrowing from fiscal year 1980, which was in our original act, to fiscal year 1990. These borrowings do not become available until appropriation action has been taken, and are further controlled by the Secretary of the Treasury in accordance with the terms of our enabling act.

The third section of the bill adds two paragraphs to the powers of the Corporation, one to facilitate street closings in the PADC area and the other to permit transfers of jurisdiction and title in small parcels of property along the Pennsylvania Avenue corridor between entities like the National Park Service, District of Columbia agencies, Federal agencies, and the corporation.

The last section of this bill provides authorization for the appropriation of salaries and expenses, for the next 2 fiscal years, and additional sums for public improvements.

Mr. Chairman, that sums up the major features of S. 2566. I would be pleased to answer any questions.

Senator HANSEN. Do you have a statement?

Mr. HARRIS. No, sir.

Senator HANSEN. Well, let me say, as I have earlier, I think we will have some questions to submit in writing and we will be interested in your responses in the same form so they may all be included in the hearing record.

Mr. MESZOLY. Thank you, Mr. Chairman. We will be happy to answer them.

[The prepared statement of Mr. Meszoly and a subsequent submittal follows:]

STATEMENT OF PETER T. MESZOLY, ASSISTANT DIRECTOR—LEGAL, PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Mister Chairman and Members of the Committee, I am Peter T. Meszoly, Assistant Director and General Counsel of the Pennsylvania Avenue Development Corporation. With me is Mr. F. David Harris, Assistant Director—Finance. Mr. Quesada, Chairman of the Corporation's Board of Directors, and Mr. W. Anderson Barnes, Executive Director, are both unable to be present because of conflicting prior commitments. They wish the Chairman and the Committee to know that they greatly regret their inability to appear today, and that later they would be pleased to respond in writing or in person to any questions the Committee may have after the conclusion of this hearing.

We are very pleased to be here to testify in support of S. 2566, a bill to authorize further funding of the Pennsylvania Avenue Plan and to make minor changes that we requested to the Corporation's enabling act. We last appeared before this Committee on March 17, 1977, to give an update of our program. Shortly thereafter the Corporation received initial capital funds and was able to begin development activities. Before addressing the bill I would like to summarize our performance since the time that the funds were appropriated.

As you know, the Corporation is charged with the comprehensive redevelopment of the Pennsylvania Avenue corridor between the Capitol and the White House, pursuant to a plan approved by Congress in 1975. The plan has two major components, the introduction of public improvements to the area, and the encouragement of new commercial development. The former includes: new paving, sidewalks and landscaping to the Avenue right-of-way; historic preservation; installation of new lighting fixtures, street furniture, and other amenities; and, improvements to traffic circulation and design of new public open spaces.

To encourage private development, including the introduction of new uses, such as residential, the Corporation relies on its power to acquire, assemble and dispose of real property. Beyond that, the introduction of public improvements to upgrade the area and the prestige of the nation's ceremonial avenue serve as further inducements for private investment.

The corporation's first acquisition was the historic Willard Hotel property in January of this year. Since then, we have also purchased the former Kann's Department store property, several smaller commercial buildings on Seventh Street (just north of Kann's), which have architectural merit, and we are negotiating to acquire the former Lansburgh's department store buildings. We have also purchased from the District of Columbia the eastern portion of Square 491 (just west of the U.S. Courthouse), and simultaneously conveyed a portion of that site to the Government of Canada for their new chancery. The corporation has retained the balance of the site for the widened sidewalk on Pennsylvania Avenue and a new park at John Marshall Place.

The corporation's staff has also been busy meeting and corresponding with potential developers. Although we always projected that there would be considerable private developer interest in the area once the Corporation was funded, we have been frankly surprised at the intensity of that interest so early in our program. In fact, the staff is straining to keep up with the workload so that we do not delay and discourage entrepreneurs who are preparing to invest.

Serious developer inquiries and proposals indicate that we may anticipate the commitment of several hundred million dollars of private capital in our area in the near future. Just this past week we announced the availability of pros-

pectuses, for soliciting development proposals for two sites in the western half of our area. The first is for Square 225 and includes the Willard Hotel and the land between it and the Washington Hotel. The second site is on Square 254 (the block on which the National Press Club is situated), comprising about two-thirds of the square. Both of these offerings to solicit competing proposals were approved by the Board of Directors on the basis of previously expressed developer interest. I have with me copies of the prospectuses, should the Committee wish to examine them.

The corporation's program of public improvements is now also underway with construction and landscaping taking place in front of the new east wing of the National Gallery of Art. The paving, trees, gratings, and other features being installed in time for the Gallery's formal opening in June, are prototypical of the improvements planned for the length of Pennsylvania Avenue. A much larger component of the public improvements program is about to be launched at the other end of our development area, between 13th Street and East Executive Drive, also called the Western Sector. There the Plan calls for the realignment of streets and the creation of new public open spaces. A design team of outside consultants has been meeting frequently to complete final designs by this summer, so that construction can begin in January 1979. Our Architect-Engineer Evaluation Board will shortly select the professionals who will design the sidewalk and landscaping features in front of the old Post Office building and the sidewalk area on the blocks to its west.

I would now like to briefly discuss the provisions of S. 2566, legislation requested by the Corporation to enable continuance of our program. The draft proposed bill was cleared with the Office of Management and Budget and appropriate agencies, and we have been advised that its enactment would be in accord with the program of the President.

The first section of the bill proposes only technical amendments to the Pennsylvania Avenue Development Corporation Act, most of which are to conform terminology with the District's Home Rule Act.

Section two would amend the Corporation's authority to borrow funds from the United States Treasury by increasing the debt ceiling from \$50 million to \$100 million, and by extending the period for borrowing from the end of fiscal year 1980, to fiscal year 1990. When the original borrowing provision was enacted by Congress as part of the PADC Act in 1972, there was but a general idea of what the Treasury funding requirements might be. It was only as the comprehensive plan was prepared and reviewed, with an estimated 12 to 15 year development schedule, that a financial projection could be made. The Corporation anticipates that it will need up to \$150 million in borrowing authority to carry out the plan, and we are now at the point where we need a second increment of \$50 million.

Funds borrowed from the Treasury will be used to pay for land acquisition, site preparation, carrying charges, and disposition costs. The amounts borrowed, together with the interest thereon, will be repaid from revenues generated through disposition of development sites. Retention of fee ownership of the land purchased by the Corporation will provide security for much of the borrowed money. I would also like to stress that the borrowings authorized do not become available to the Corporation until specifically appropriated and that the terms of each borrowing are controlled by the Secretary of the Treasury in accordance with our enabling act. The authorization of additional borrowing capacity requested in this bill is absolutely necessary for the Corporation to continue with its development program and to fuel the initiative already shown by the private sector, which is expected to invest about one half billion dollars in the PADC area over the development period.

Section three of the bill would add two new paragraphs to the powers of the Corporation: (1) to facilitate street and alley closings in the development area; and, (2) to permit transfers of ownership and control of public parcels of land and reservations within the development area. The first new paragraph does not substantially change the existing law on street and alley closings in the District of Columbia. It preserves the discretion of the Council of the District of Columbia to close streets, while giving the Corporation a statutory basis for requesting closings when required for implementation of the Plan. This provision of the bill further provides authority for transfer of United States title or District of Columbia title in closed public ways in the development area to the Corporation, which is required to take title in its own name. Lastly, under sections 7-301 and 302 of the District of Columbia Code, the closing of certain non-original alleys involve a reversion of the title of the closed portions to

abutting property owners. The amendment proposed in this bill would provide, under such circumstances, for conveyance of title to the Corporation, but require the Corporation to reimburse abutting owners for the property right that they would have otherwise received.

The second new paragraph in section three of the bill merely allows title and jurisdictional transfers between the Corporation and District of Columbia and Federal agencies, notably the National Park Service. Although existing law currently permits some jurisdictional transfers, the broader authority for title transfers is a necessary new addition. Because the Pennsylvania Avenue Plan provides for a realignment of public spaces and parks, taking some private land into the public domain, and vice-versa, statutory authority is needed to assure that all the agencies owning or controlling land can enter into the transactions necessary to such realignments. The new paragraph provides only discretionary authority, and does not require the Director of the National Park Service or any of the agencies to act one way or the other.

The last section of the bill would authorize fiscal year 1979 and 1980 appropriations for administrative operations (salaries and expenses of up to \$2 million per year), and such sums as may be necessary for public improvements (which were described earlier). Because the Corporation's authorization expires with this fiscal year, the enactment of this provision is indispensable to the continuance of our activities and the implementation of the Pennsylvania Avenue Plan.

In conclusion, Mr. Chairman, we think that the long-postponed Avenue Plan has had a good beginning since initial funding last year. Our public improvements program is underway, and private developer interest is running ahead of expectations. We urge favorable action on this legislation so that the momentum gained so far can be sustained.

We would now be pleased to respond to any questions that the Committee may have.

Thank you, Mr. Chairman.

QUESTIONS TO AND ANSWERS BY THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION SUBMITTED FOR THE RECORD ON S. 2566

1. You stated that this proposal was cleared with OMB and appropriate agencies—has the District of Columbia Government approved this proposal, as far as their jurisdiction is concerned?

The draft proposed bill originally prepared by the Corporation was circulated for comment by the Office of Management and Budget to a number of Federal agencies and the District of Columbia Government. The District was among those responding with several recommended changes and questions. We discussed the response with District officials and adopted some of their recommendations, and they agreed to keeping the original language elsewhere in the draft. The District Government, to the best of our belief, is in support of this legislation.

2. Your proposal extends the borrowing authority and use of Public improvement funds through 1990. Was a time extension anticipated from the establishment of the Corporation in 1972, or is the Corporation running behind schedule on the development plan?

When the Corporation's enabling act was passed, there was little idea of how long it would take to carry out the redevelopment of the avenue area. Indeed, the first task of the Corporation was to prepare a comprehensive plan with a general schedule, and there was no predetermined idea as to what was to be the plan. Therefore, Congress provided the initial authorization for borrowings with the understanding that further financing provisions would become necessary after the plan was prepared and accepted by Congress. As approved by Congress in May 1975, the Plan projected a twelve to fifteen year development period. The Corporation is presently on schedule with its program, and the borrowing extension requested in this bill is consistent with the approved plan and original legislation.

3. When was the Corporation first funded? What was the authorization for: (1) Salaries and Expenses; (2) Public Improvements; and (3) borrowing authority? Has there been any subsequent authorizations since the initial funding?

The initial authorization in the Corporation's enabling act (Public Law 95-578) provided \$1,000,000 for development of the plan. The Corporation first received funds under this authorization (salaries and expenses only) in the fiscal year 1973 supplemental and the fiscal year 1974 Interior appropriations

acts. As these amounts almost used up the initial \$1 million authorized, Public Law 93-427 was enacted on October 1, 1974 to authorize an additional \$750,000 for operating expenses. A third authorization (the second amendment to the PADC Act) was passed in August 1976 (Public Law 94-388), authorizing salaries and expenses of approximately \$1,500,000 per year through the current fiscal year (fiscal year 1978). This act also authorized for the first time, appropriations for public improvements under the Pennsylvania Avenue Plan. Pursuant to Public Law 94-388, the Corporation received initial public improvements funds on May 4, 1977, in the supplemental appropriation act, which also made available the first increment of Treasury loan funds.

4. As you stated, S. 2566 authorized "such sums as may be necessary" for public improvements. The committee does not report out legislation with an open authorization. How much authorization is needed for public improvements?

If funds were to be authorized for a 5-year period, the following amounts would be needed for public improvements: \$15 million for fiscal year 1979; \$35 million for fiscal year 1980; \$25 million for fiscal year 1981; \$30 million for fiscal year 1982; and, \$35 million for fiscal year 1983.

5. What would be the advantages or disadvantages of a 5-year authorization as opposed to your current 2-year authorization?

There are two primary advantages for granting a 5-year authorization rather than the 2-year authorization presently in S. 2566. First, a 5-year authorization would bolster the confidence of the private sector to investing in the PADC Area, because the commitment of Federal improvements to the area would be more assured. Second, it would, frankly, spare the Congress and the Corporation the necessity of processing another minor bill every two years. The Corporation's staff is very small and it is quite time consuming to draft, clear and prepare a bill and the materials for its consideration. It is clear that the process is equally time consuming for our legislative committees and the Congress as a whole. Annual Congressional control over the performance of the Corporation is retained through the appropriations process, and through such oversight hearings as may be called.

6. Will you please submit for the record a listing of the appropriations spent by the Corporation to date for salaries and expenses and for public improvements and the total loans made from the Treasury?

APPROPRIATIONS SPENT BY PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION THROUGH MARCH 31, 1978

	Salaries and expenses	Public development	U.S. Treasury borrowings
Fiscal year 1973.....	\$350,000		
Fiscal year 1974.....	500,000		
Fiscal year 1975.....	824,000		
Fiscal year 1976.....	824,000		
Transition quarter.....	218,000		
Fiscal year 1977.....	1,000,000	52,000	
Fiscal year 1978 (1st half).....	547,000	1,731,000	12,421,000

Senator HANSEN. I appreciate your cooperation and the excellent summary you have provided. This bill is a good example, one that has generated intense national interest. We look forward to seeing that it moves along.

Mr. HARRIS. Mr. Chairman, I did want to add that as currently advertised in the national press and local press, we have been offering these development prospectus. We have had a tremendous response with dozens and dozens of requests for copies coming in.

Senator HANSEN. Thank you very much, gentlemen.

We will conclude the hearing.

[Whereupon, at 12:05 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

A LOWELL NATIONAL CULTURAL PARK: HISTORICAL SIGNIFICANCE AND LASTING VALUE

(Dr. Patrick M. Malone, Director, Slater Mill Historic Site, Lecturer,
American Civilization Program, Brown University)

This country needs a new type of national park which will demonstrate the great importance of urban and industrial development in American history. Lowell, Massachusetts, with its still-functioning canal system, its superb architecture, and its proud history as a manufacturing center, is the perfect location for such a park. Here, we can best tell the story of the workers, the engineers, and the industrialists who left their mark not only on the urban landscape but also on our entire culture.

America is an industrial nation, and for almost half a century, Lowell was its premier industrial city. Most historians agree that the textile industry provided the major impetus for the dramatic economic, technological, and social changes of early industrialization. Lowell, established for the mass production of cotton textiles in 1821, soon became the first great manufacturing city in the nation. Thousands of American and foreign visitors came to see "The Lowell System" in action. They marveled at the utopian conception of a clean and orderly industrial city with attractive streets, well-maintained corporate housing, and an atmosphere of social and moral regulation. Boarding houses near the glistening power canals housed the famous "Lowell Girls," well-dressed operatives who ran textile machines in the tall, brick mills. The prosperous, pre-Civil War city had little of the urban squalor and wretched working conditions which most Americans associated with the industrial centers of England. Lowell made the factory system acceptable in America and helped to determine the path of the nation's economic development. No other industrial community was so influential as a symbol of progress and as a model for others to follow.

Advanced technology in textile machinery, cloth printing processes, and hydraulic engineering contributed to Lowell's reputation as a progressive industrial city. Countless innovations flowed from the factories and workshops of this manufacturing center during the nineteenth century. Even foreign engineers were aware of the wonders produced in Lowell by a combination of intelligence and hard work. Technical experts were most impressed by the ways in which the Merrimack River was harnessed and its tremendous power utilized to drive the machinery of Lowell's great textile corporations.

The Pawtucket Falls were the power source which made rapid industrial growth possible in early Lowell. They are as awesome now as they were before men built a dam and a network of power canals to bring the energy of the Merrimack to the heart of a new city. The Lowell Canal System was one of the most ambitious engineering achievements of nineteenth-century America. Today, over one hundred and twenty five years since its completion, the system is practically unchanged, a remarkably well-preserved monument of our industrial heritage.

The canal system in Lowell is unique because of its historical importance, its grand scale, and its technological complexity. The city was actually designed around the canals and the available mill sites. An earlier transportation canal,

completed around the falls in 1796 became an important part of the power system as a feeder for a group of canals running to the first mill yards. The complexity of the hydraulic network is largely a result of the curved shape of the original canal and of a sharp bend in the river below the falls. Canals fan out through the city to reach the mills, and the entire system operates on two levels for maximum efficiency. The Northern Canal, a massive stone structure opened in 1847, channels additional water into the system and is an imposing site rising above the rapids of the river.

Europeans pioneered in the development of power canals, and other American communities had operating canals and water wheels before Lowell; but no one had envisioned a power system like the one built on the Merrimack between 1822 and 1850. Engineers in Lowell studied the work of European and American hydraulic experts; they also conducted their own scientific experiments and applied their theoretical and empirical findings to improve the operation of the canals and hydraulic machinery. James Francis, Chief Engineer, made the canals his own laboratory and published an internationally-respected volume, *Lowell Hydraulic Experiments*, in 1855. The machine shop created by the Proprietors of Locks and Canals produced some of the finest hydraulic equipment of the age. At Lowell, science, perhaps for the first time in history, exerted a regular and profound influence on technology.

The dam, gatehouses, stone-walled canals, transportation locks, and other main features of the early canal system can still be seen in Lowell. Seven of the ten original mill complexes are standing, and rows of corporate housing have survived both the rigors of time and the misdirected zeal of Urban Renewal. You can still shop in stores which once catered to the "Lowell Girls" and bank where they placed the savings from their wages. You can drive over a stone arch bridge from 1831 or stroll through the trees planted by the Proprietors of Lock and Canals to beautify the public walkway they built along the "Great River Wall" of the Northern Canal. The record of the past is plainly written in physical structures all over the city. These historic relics are valuable links with an earlier time, direct evidence of American toil, achievement and growth. They must be saved for future generations to study and enjoy.

The city is an urban and industrial museum waiting for effective development and interpretation. It is also a vibrant community, alive with cultural patterns that mix the new with the traditional. In Lowell, you can sense the pride of ethnic groups which have persevered in hard times and have shared the immigrant experience with many other Americans. You can talk with mill workers and hear the sound of the looms coming from the old Suffolk (now the Wannalancit) Mills. Lowell has seen the transition from an agrarian to an industrial society. It has watched its early fame slip away and felt the turmoil of exploitation, labor unrest, and economic decline. Yet the city has not only survived, but may soon flourish again. A growing awareness of the past is giving the people of Lowell new confidence. They feel that they have something in their city for all of us, a rich heritage we can all share.

A National Cultural Park in Lowell would be a monument not just to the corporate leaders and engineers of the last century, but to every worker who has spent long days in a mill or swung a pick with a construction crew. The Park would interpret the history of a great industrial city and give new generations a sense of pride in the work done by their ancestors. Visitors could learn about machinery and the various jobs in a textile mill. They could see a restored cross-section of the early city, enter a boarding house, and ride a barge in the canal system. A wide range of educational and recreational activities in Lowell would be made available to many thousands of people each year.

Lowell needs and deserves the recognition which would come with the creation of a National Cultural Park. State and local efforts alone will not be sufficient to develop the full potential of the city. If all levels of government work together to shape and operate a major park, their combined capabilities should assure the proper preservation of Lowell's important historical structures and the accurate interpretation of its cultural significance. A Lowell National Cultural Park can mean a new future for a city with a fascinating history.

INDIANA UNIVERSITY,
GLENN A. BLACK LABORATORY OF ARCHAEOLOGY,
Bloomington, Ind., April 28, 1978.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR HONORABLE ABOUREZK: I am writing to request your support and to speed the action of the subcommittee on S. 2699 (reauthorization of the funding for Public Law 93-291, 1974) a bill to reauthorize archaeological salvage. Should this bill not be enacted, federal funding for salvage of information destroyed by federal construction projects will be terminated on October 1, 1978. I would like to point out that through Section 7 of the original bill, the coordinating activities of the Secretary of the Interior kept expenditure of federal monies below the level authorized and at the same time salvaged National Heritage information which was threatened with destruction by SCS, EPA, EDA, Corps of Engineer's, and other federal construction projects. The reauthorization bill must be passed to extend the legal authority for the salvage portion of our country's Historic Preservation Program.

I strongly urge your favorable action and will be glad to provide you with additional information on the benefits and success which resulted from the 1974 act.

Sincerely,

CHERYL ANN MUNSON,
Acting Director.

ASSOCIATION FOR FIELD ARCHAEOLOGY,
March 28, 1978.

Senator HENRY JACKSON,
Chairman, Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Association for Field Archaeology wishes to express its support for the bill (S. 2699) reauthorizing Public Law 93-291, the Archeological and Historical Preservation act. We hope that this bill may be moved out of the committees without hearings, since its sole purpose is to renew funding.

We recognize that problems arose in connection with the operation of the original bill. In part, these were due to the need for the federal agencies heavily involved in construction activities that affect our historical and archeological sites to develop mechanisms for complying with the provisions of the bill. Their adjustments have now been made, and should cause no further difficulty; for example, most of the U.S. Corps of Engineers' divisions and districts have instituted reasonable means of handling the management, interpretation, and preservation of archeological and historical resources.

The other difficulty with the original bill was that Congress failed to appropriate sufficient funds to carry it out. We recommend that such funds be authorized for a period of five years, so as to ensure that the bill receives a fair trial.

Despite its problems, the original bill has achieved considerable success. For example, it stimulated my home state of Connecticut to appoint the first full-time archeologist to its staff and to develop a systematic program for the preservation of antiquities. Without the bill, this would never have happened.

Sincerely yours,

IRVING ROUSE,
President.

SOCIETY OF PROFESSIONAL ARCHEOLOGISTS,
March 28, 1978.

Senator HENRY JACKSON,
Chairman, Energy and Natural Resources Committee,
Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am writing on behalf of the Society of Professional Archeologists to express the support of our membership for the reauthoriza-

tion of Public Law 93-291: The Archaeological and Historic Preservation Act of 1974. The bill, S-2699 which would reauthorize Public Law 93-291, is now before your Committee on Energy and Natural Resources. We would like to urge that S-2699 be reported out of committee at the earliest time.

As I am sure you are aware, Public Law 93-291 has been effective legislation in the effort to preserve our cultural heritage. The Society of Professional Archeologists is particularly anxious that the five year reauthorization provision of this bill be maintained. We strongly believe that this period would provide the time necessary to build an even stronger and more effective program in the public interest.

Again, the Society of Professional Archeologists urges that S-2699 be discharged from your committee and that it receive a favorable vote in the Senate.

Best regards,

CHARLES E. CLELAND,

President,

Society of Professional Archeologists.

AMERICAN SOCIETY FOR CONSERVATION ARCHAEOLOGY,

Reno, Nev., March 24, 1978.

Hon. HENRY M. JACKSON,
*Chairman, Senate Committee on Energy and Natural Resources,
Dirksen Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: The membership of the American Society for Conservation Archaeology urges the re-authorization of Public Law 93-291, now before your committee as S.B. 2699. We are especially concerned that funding be authorized, as specified under Section 7 of the bill so that the programs outlined in Sections 3(b) and 4(a) of the bill may be fully implemented. We also urge that the bill be worded to permit carry-over of funds beyond a single year, if possible, and that authorization be for five years.

The Society is cognizant of your strong and continuing support of cultural resources programs as a key means of conserving, studying and interpreting to the public our national heritage. We hope your Committee will report out the bill favorably and that this important legislation can be re-authorized during this Congressional session.

Sincerely,

DON D. FOWLER,

President.

STATEMENT OF THE AMERICAN ANTHROPOLOGICAL ASSOCIATION ON THE RE-AUTHORIZATION OF THE ARCHEOLOGICAL AND HISTORIC PRESERVATION ACT OF 1974 (PUBLIC LAW 93-291)

The association strongly supports the reauthorization of the Archeological and Historic Preservation Act of 1974 (Public Law 93-291), which has been instrumental in preserving the national patrimony that would have been otherwise lost as a result of federal construction or federally licensed or aided activities.

Section 7 of the Act requires reauthorization during the current sessions of Congress. Paragraphs (b) and (c) of section 7 provide for appropriations to the Secretary of Interior, to be used at his discretion, beyond the one percent a federal agency can legally expend for archeological salvage under this authority. While the Act will continue to permit agencies to transfer funds to Interior to administer or perform data recovery, the Secretary clearly needs the continued independent funding which would be reauthorized by S. 2699. This bill will extend that funding authorization for five more years at a modest level which reflects the expansion of the Program and ensuing administrative costs. If not passed the Department of the Interior will be unable to continue the recovery of archeological materials and data after fiscal year 1978. If these funding authorities are not extended, there will be no legal authority to salvage archeological materials in: 1). HUD urban renewal projects; 2). EPA licensed projects; 3). Corps of Engineers' projects permitted under the 1899 Rivers and Harbors Act; 4). EDA projects; and 5). Federal or federally assisted or related construction.

The moneys S. 2699 authorized to be appropriated for use by the Secretary of the Interior will cover program administrative costs and be expended for con-

tracts to carry out salvage where archeological resources are threatened with loss. The reauthorization will (a) continue the responsibility of the Secretary of Interior to coordinate Federal programs and authorizes all Federal agencies to seek future appropriations, (b) obligate available moneys, or reprogram existing appropriations for the recovery, protection, and preservation of significant scientific, prehistoric, or archeological materials and data. The program's review of contracts and the scope of work of Federal projects has resulted in the savings of more money during the past 4 years than the total appropriations for any 1 year.

Over 30 Federal agencies conduct programs that threaten archeological materials and the Moss-Bennett Act provides the mechanism for assisting them in insuring that funds to protect such materials are spent in a professional and fiscally sound manner.

The association believes that the continuation of this program is imperative in preserving the national heritage and urges the committee to pass this initial legislation.

OFFICE OF THE CITY MANAGER,
Lowell, Mass., April 24, 1978.

Hon. JAMES ABOUREZK,
U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK: It has come to my attention, that concerns have been expressed about a special zoning district that is established in the Lowell National Historical Park Bill, and any variances that may be granted in future years.

In the hope that your concerns may be satisfied, I would like to offer the following information:

A recent amendment to Massachusetts State Law known as Chapter 80S of the Acts of 1975, amended the State Zoning Act, Chapter 40A of the Massachusetts General Laws, has mandated that use variances cannot be granted by a board of appeals if a use is not expressly allowed by a community in its zoning regulations. (This means that Lowell has control over what land and building uses can be permitted or not be permitted in an established zoning district. Once a use is not permitted, it is beyond the power of the board of appeals to even consider a request for a use variances.)

Lowell is presently considering a proposal to adjust its zoning regulations to conform to the amended zoning act and place additional controls on exceptions and variances. These would even be more restrictive than the State Zoning Act mandates.

Currently, there is support in Lowell for maximum control through a special zoning district that would be established expressly for land and buildings that would be located in the Lowell National Historical Park and the Preservation District. Once this special zoning district is established and adopted by the Lowell City Council, there would be adequate control over uses, exceptions and variances in the Lowell National Historical Park.

Lowell is in favor of protecting the substantial investment to be made by the federal government from undesirable influence and would be acceptable to any reasonable controls that would be suggested. I feel that the attitude expressed above is also the attitude of all public and private groups in Lowell.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

WILLIAM S. TAPIER,
City Manager.

Attachments.

THE ZONING ACT, CHAPTER 40A—GENERAL LAWS

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VARIANCES

Section 10.—The permit granting authority shall have the power after public hearing notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting au-

thority specifically finds that owing to circumstances relating to the soil condition, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located; provided however, that such variances properly granted prior to January first, nineteen hundred and seventy-six but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

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TREASURY HISTORICAL ASSOCIATION,
Washington, D.C., May 3, 1978.

Hon. HENRY M. JACKSON,
Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: The Treasury Historical Association, a nonprofit organization for the preservation of Treasury History, has had an interest in Friendship Hill, the western Pennsylvania home of Albert Gallatin. The Association was active during the Bicentennial in trying to find ways to save this historic home and estate. We applaud the passage the H.R. 10984 passed by the House of Representatives on April 3 to enable Friendship Hill to be made into a National Historic Site.

Albert Gallatin was the longest termed Secretary of the Treasury, serving from 1800 to 1814. His contributions to our Nation are myriad. He was the leading financial expert of the Jeffersonian era. Gallatin initiated full public reporting of the national debt and annual budgets detailing Government expenditures. His administration of the Embargo and later the War of 1812 made a lasting impact on the administration of the Federal Government. While still Secretary of the Treasury, Mr. Gallatin served ably as a diplomat and was named one of the leading negotiators who wrote the Treaty of Ghent. He later served as Minister to France and Great Britain.

After leaving the Treasury, Albert Gallatin's work enriched our cultural life. His efforts included the founding of New York University and the American Ethnological Society; he served as President of the New York Historical Society. He had an early and life-long interest in the American Indian. Also, Albert Gallatin was the leading authority on banking and finance for much of the nineteenth century—his major work being considered the most important on banking published in this country during that time.

As a mediator in the Whiskey Rebellion and his general role in this situation, the Bureau of Alcohol, Tobacco and Firearms has had an additional and special interest in Albert Gallatin.

Friendship Hill is a model of how the rising middle class lived on the western frontier. It is also a symbol of the growing industrialization of the west for on the grounds of Friendship Hill stood the first glass factory west of the Alleghenies.

Albert Gallatin's personal achievements, his financial policies, and his love of freedom left an impact on this Nation. We feel the man, his reputation, and contribution should be honored through the saving of his home. Through visits to Friendship Hill the American public will be educated about those now lesser known patriots who developed our Nation.

Sincerely yours

REX D. DAVIS,
President.

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