

PROFESSIONAL
ARCHAEOLOGISTS OF
NEW
YORK
CITY



NEWSLETTER NO. 3
JANUARY 1981

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THE NEXT PANYC MEETING IS SCHEDULED FOR:

Saturday, 24 January 1981, 9:30 A.M.

Hunter College - CUNY

69th Street between Lexington and Park Avenues

Room 805

Material for inclusion in the PANYC Newsletter should be sent to Joel I. Klein,
Envirosphere Company, 2 World Trade Center, New York, N.Y. 10048

PANYC General Membership Meeting November 19, 1980 CUNY Graduate Center

Minutes

Solecki called the meeting to order at 7:30 P.M.

The members accepted the minutes from the previous meeting as typed and distributed in the 2nd PANYC newsletter.

Bankoff reported PANYC's bank balance at less than \$78. He encouraged members to pay their dues. Fees come due for 1981 in March.

Solecki introduced Dr. Celia Orgel, Archeologist for the New York District Office of the Army Corps of Engineers.

Solecki informed the group about proposed legislation before the N. J. State legislature which restricts the excavation and collection of fossils and cultural artifacts on N. J. State land without a permit issued by the State Museum in Trenton.

Geismar noted that Park Commissioner Gordon Davis still did not respond to her letter requesting a meeting between him and PANYC representatives. The group suggested that she send another letter with a copy to City Council Chairperson Carol Bellamy.

Geismar received a sarcastic response from the editor of the Staten Island Advance suggesting an unsympathetic attitude towards preservation of local prehistoric resources. Baugher-Perlin, a resident of Staten Island, will write to the editor as representative of the N.Y. City Landmarks Preservation Commission.

Rockman reported that a Stuyvesant Street resident, owner of a Landmark house, contacted her requesting that archaeologists conduct preliminary investigations in his yard prior to commencement of planned alterations. PANYC members agreed that this represents an ideal situation of the citizen working with an archaeologist to preserve and protect potential resources.

Harris' and Rockman's research for the Lower Block 30 area indicates the landfill as potentially of archaeological interest.

Rose Solecki requested mailings from the Army Corps regarding submitted applications for permits. Members suggested that she also contact the National Park Service and the Department of Transportation for project announcements and permit requests.

Paynter suggested that the PANYC newsletter include discussion of the recent status of City and State legislation.

Salwen reported for the Research and Planning Committee (members: Askins, Bankoff, Ceci, Harris, Perlin, Salwen). He stressed the importance of developing general land use maps, indicating sensitivity areas which could be used to address appropriate research questions. The committee proposed

Minutes (cont'd)

several divisions or cultural strata to serve as the basis for drawing these maps: 1. Prehistoric; 2. Contact to 1623; 3. Dutch Control 1623-1664; 4. English Control 1664-1783; and 5. Federal 1783-1815. Paynter asked why PANYC should take time to produce these maps for free and asked if planning groups might provide money. Ceci posed the question as to whether PANYC would compete with the Landmarks Preservation Commission by working on this project. A long and complex discussion followed of which variables should serve as the basis for mapping and prediction of sensitive archaeological areas. These questions and discussions were tabled until the Research and Planning Committee meets again to draw up further suggestions. Ceci urged that participants tackle the project by geographic area rather than time strata so that at least one person would gain familiarity with all maps from one area (one person would produce maps according to the different time strata for one geographic area).

Bankoff researched several potential meeting places for the proposed PANYC public meeting in the Spring. The American Museum of Natural History required a year's notice and a fee beyond PANYC's budget. The Museum of the City of New York eagerly responded to Bankoff's inquiries about use of their conference facilities requesting that PANYC hold the program on a Saturday or Sunday morning. Naar, an employee at the American Museum, informed the membership that she could make arrangements for the PANYC meeting in the Main Auditorium in March or April 1981. Costs for a 3½ hr. program would run \$400. and PANYC would have to supply its own flyer. The general discussion which followed concluded with the realization that PANYC could not afford to sponsor the Spring meeting at AMNH.

Bankoff suggested that the program in the Spring consist of 20 minute discussions of field work emphasizing description rather than theory.

Cantwell predicted that she and Klein would send copies of proposed bylaws to the membership before the next meeting.

Ms. Florence Jackson, N.Y. City Dept. of Education, requested from Solecki references for materials about early New York available for grade school students. Solecki suggested that volunteers form a committee to check into the range of available publications about New York's early history suitable for use by grammar school children or teachers. Marshall will correspond with Dr. Jackson to request details about the type of literature needed, i.e. teacher's guides or classroom materials. Mentioned in discussion was Donald Madsen at the Morris County Museum, N.J., who developed teaching aids for schools. The Museum of the City of New York has also recently produced a short history of East Harlem.

Salwen urged PANYC members to write their Senators and Congressmen to support the National Historic Preservation Amendment which reauthorizes preservation legislation. For information as to the bill's status, call Nellie Longwork, Preservation Action (202) 659-0915.

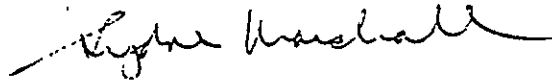
The New York Academy of Sciences will sponsor a symposium entitled The Research Potential of Anthropological Museum Collections on Feb. 25, 26, and 27 at the Barbizon Plaza Hotel, New York City. Nan Rothschild, Anne-Marie Cantwell, and James Griffin co-organized the meeting.

Minutes (cont'd)

The New York Archaeological Council (NYAC) will meet at Hunter College on January 24, 1981. It was agreed that PANYC should hold its next meeting that same morning.

Solecki adjourned the meeting at 9:25 P.M.

Respectfully submitted,



Sydne Marshall
PANYC secretary

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The following article appeared in the 12 December 1980 issue of Columbia University Reporter under the headline "Professor Ralph Solecki Is on 'Subway Archaeology' Expedition to Queens "

Anthropologist Ralph Solecki, who has traveled the world to dig for 100,000-year-old peoples, is spending one day a week this term in Queens excavating an historic Dutch farmhouse only centuries old.

Unlike his celebrated searches for early man in Near Eastern lands, this dig seeks the earliest foundations of a stone building called the Onderdonk House that has stood for some 250 years on Flushing Avenue.

Solecki and the four graduate students who accompany him call the effort "subway archaeology"—the site is just an hour from Manhattan on the IRT and the LL train. And for the 63-year-old professor, it's a return to an old neighborhood—less than a mile from his childhood home.

"This is something of a follow-up on a longstanding interest of mine from high school days," Solecki said in a recent interview. "I excavated a hearth back then in Maspeth, not far from my house, and it turned out to be Dutch, from 1645, with clay pipes and gun flints and even musket balls."

The Onderdonk House, built in the early 1700's, is one of the few Dutch Colonial houses remaining in the metropolitan area. Its sturdy, 10-foot-high stone walls endured successive occupations by farmers, suburbanites and industries as the city grew and developed. In this century it served as a scrap glass depot, a greenhouse busi-

ness and a parts-manufacturing plant for the Apollo space program. Abandoned in the early 1970's, it was ravaged by fire, nearly bulldozed, then saved by the Greater Ridgewood Historical Society.

Now, its gently curving gambrel roof and upper floors are being rebuilt and the entire house restored as a museum, a community center and a symbol of neighborhood pride.

By law, when such construction is done at an historic site, an archaeologist must be present. Solecki and his students volunteered. One or more of them were there every day for three weeks in September and October. Trips will be less frequent in the inclement winter months, then increase again in the spring. Philip P. Agusta, chairman of the Greater Ridgewood Historical Society, hopes the restoration will be complete by next July. Meanwhile, the archaeologists hope to learn much about older structures, probably dating to the 1670's, that underlie the present stone walls.

"The Onderdonk House was built sometime between 1712 and 1731, probably by Paulus Vander Ende," said Solecki. "But we don't know if it went on top of an older house, or next to one. We're digging where the first kitchen was located, the most likely place to find earlier foundations. Flushing Avenue was an Indian trail long before, and this site, at the corner of

Onderdonk Avenue in the old 'disputed territories' between Queens and Brooklyn, may once have been part of an Indian village. What we're most interested in, though, is the house that may have stood there in the late 1600's, built by the first Dutch settlers in this country.

"We've found nothing of great antiquity yet. The oldest object we've uncovered is a piece of ceramic cup dating to 1820 or thereabouts, the time Adrian Onderdonk bought the property. But even that could have been an heirloom piece deposited much later."

Professor Solecki and his students—Sydne Marshall, Neil Goldberg, Steven Sanders and Elizabeth Kearns—have unearthed much evidence of commercial use, for industrialization spread through the area in the late 19th century.

Ralph Solecki is known for his discovery of what he has called the "first flower people"—Neanderthals who about 60,000 years ago buried flowers with their dead. At the Onderdonk site, he has identified a significant archaeological layer just 35 years old. Digging a foot and a half into the earth, his team found collections of tin cans, pieces of stoves, bottles, Christmas tree lights, "ancient" flashlight batteries and a red rubber toy mouse. The layer is now officially named "Onderdonk, A.D. 1944."

PROFESSIONAL ARCHAEOLOGISTS OF NEW YORK CITY

Department of Anthropology
Columbia University
New York, New York 10027
December 3, 1980

Delaware Water Gap Team Captain
Denver Service Center
National Park Service
775 Parfet Street
P. O. Box 25287
Denver, Colorado 80225


Dear Sir,

We submit our comments on your draft of the General Management Plan for the Delaware Water Gap National Recreation Area for your consideration.

We strongly support your proposal to extend the boundary of the Recreation Area to include the Shawnee-Minisink archaeological site (p. 7 and 12). This site, eligible for National Register status, merits maximum protection and accurate interpretation. In addition, we urge ^{you} to execute your projected plans (p. 12 and 13) to accurately interpret and protect all cultural resources in the valley.

Thank you for your attention.

Sincerely,


Ralph Solecki
President, PANYC



THE NEW YORK ACADEMY OF SCIENCES

CONFERENCE ANNOUNCEMENT

- TITLE:** The Research Potential Of Anthropological Museum Collections
- SPONSOR:** The New York Academy of Sciences
- DATES:** February 25 - 27, 1981
- PLACE:** The Barbizon-Plaza Hotel, New York City
- THEME:** One of the most overlooked sources of data of significance to anthropological research is museum collections. In recent years, an increasing number of scholars are reminding us that museum collections can be an enormously important source of basic research data. However, these collections have almost never received the curatorial attention they need if their research potential is to be maintained. With current emphases on preservation and conservation, as well as with the development of new theoretical and physical techniques of analysis, the value of these collections is increasing, and will continue to do so as field sources of data become scarcer. The conference will demonstrate the research potential of extant collections and report on the new physical-mechanical and theoretical techniques necessary to further such research. Papers will be presented by archaeologists, ethnographers, oral historians, physical anthropologists, archivists, paleontologists, curators, chemists and physicists.
- CHAIRS:** Dr. Anne-Marie Cantwell, Department of Sociology, Rutgers University, Newark, NJ 07102; Dr. James B. Griffin, Museum of Anthropology, University of Michigan, Ann Arbor, MI; Dr. Nan A. Rothschild, Department of Anthropology, Hunter College, New York, NY 10021.
- FOR FURTHER INFORMATION, CONTACT:** Conference Department, The New York Academy of Sciences, 2 East 63rd Street, New York, NY 10021. (212) 838-0230.

HISTORIC PRESERVATION AMENDMENTS

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5496, to amend the National Historic Preservation Act of 1966, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Historic Preservation Act Amendments of 1980".

TITLE I—FINDINGS AND POLICY OF NATIONAL HISTORIC PRESERVATION ACT

Sec. 101. (a) The first section of the Act of October 15, 1966 (16 U.S.C. 470-470t), hereinafter in this Act referred to as the "National Historic Preservation Act", is amended to read as follows:

"Sec. 1. (a) This Act may be cited as the 'National Historic Preservation Act'.

"(b) The Congress finds and declares that—

"(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;

"(2) 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;

"(3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;

"(4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;

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

"(6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and

"(7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and indi-

viduals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

"Sec 2. It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to—

"(1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;

"(2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations,

"(3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;

"(4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;

"(5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and

"(6) assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities."

TITLE II—HISTORIC PRESERVATION PROGRAM

Sec. 201. (a) Section 101 of the National Historic Preservation Act is amended to read as follows:

"Sec. 101. (a) (1) (A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture.

"(B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as 'National Historic Landmarks' and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on the date of the enactment of the National Historic Preservation Act Amendments of 1980 shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as 'National Historic Landmarks' or thereafter prior to the effective date of this Act are declared by Congress to be National Historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat. 666); except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register and submitted to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives.

"(2) The Secretary in consultation with national historical and archaeological associations, shall establish or revise criteria for

properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for—

"(A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;

"(B) designating properties as National Historic Landmarks and removing such designation;

"(C) considering appeals from such recommendations, nominations, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);

"(D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;

"(E) making determinations of eligibility of properties for inclusion on the National Register; and

"(F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

"(3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b), shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110(a) (2) shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

"(4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b). The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determination shall be made within ninety days from the date of the nomination unless the nomination is appealed under paragraph (5).

"(5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

"(6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such

objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

"(7) The Secretary shall promulgate, or revise, regulations—

"(A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act, the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;

"(B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or complementing, the national historical architectural and engineering records within the Library of Congress; and

"(C) certifying local governments in accordance with subsection (c)(1) and for the allocation of funds pursuant to section 103(c) of this Act.

"(b)(1) The Secretary in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program—

"(A) provides for the designation and appointment by the Governor of a 'State Historic Preservation Officer' to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

"(B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and

"(C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

"(2) Periodically, but not less than every four years after the approval of any State program under this subsection, the Secretary shall evaluate such program to make a determination as to whether or not it is in compliance with the requirements of this Act. If at any time, the Secretary determines that a State program does not comply with such requirements, he shall disapprove such program, and suspend in whole or in part assistance to such State under subsection (d)(1), unless there are adequate assurances that the program will comply with such requirements within a reasonable period of time. The Secretary may also conduct periodic fiscal audits of State programs approved under this section.

"(3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to—

"(A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;

"(B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;

"(C) prepare and implement a comprehensive statewide historic preservation plan;

"(D) administer the State program of Federal assistance for historic preservation within the State;

"(E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;

"(F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;

"(G) provide public information, education, and training and technical assistance relating to the Federal and State Historic Preservation Programs; and

"(H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c).

"(4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

"(5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of—

"(A) the date on which the Secretary approves a program submitted by the State under this subsection, or

"(B) three years after the date of the enactment of the National Historic Preservation Act Amendments of 1980.

"(c)(1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c), of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government—

"(A) enforces appropriate State or local legislation for the designation and protection of historic properties;

"(B) has established an adequate and qualified historic preservation review commission by State or local legislation;

"(C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);

"(D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and

"(E) satisfactorily performs the responsibilities delegated to it under this Act.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

"(2) (A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the

local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to section 101(a). The State may expedite such process with the concurrence of the certified local government.

"(B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.

"(3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provisions of section 103(c) of this Act, and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

"(d)(1) The Secretary shall administer a program of matching grants-in-aid to the States for historic preservation projects, and State historic preservation programs, approved by the Secretary and having as their purpose the identification of historic properties and the preservation of properties included on the National Register.

"(2) The Secretary shall administer a program of matching grant-in-aid to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927), for the purposes of carrying out the responsibilities of the National Trust.

"(3) (A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 percentum of the amount appropriated annually for the fund established under section 103. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer—

"(i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance;

"(ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties;

"(iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation; and

"(iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

"(B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

"(C) Grants may be made under subpara-

graph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 101.

"(e) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

"(f) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this title.

"(g) Within one year after the date of enactment of the National Historic Preservation Act Amendments of 1980, the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

"(h) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students."

Sec. 202. (a) Section 102(a)(3) of the National Historic Preservation Act is amended to read as follows:

"(3) for more than 50 per centum of the aggregate cost of carrying out projects and programs specified in sections 101(d)(1) and (2) in any one fiscal year, except that for the costs of State or local historic surveys or inventories the Secretary shall provide 70 per centum of the aggregate cost involved in any one fiscal year."

(b) Section 102(a) of such Act is amended by adding the following at the end thereof: "Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1954."

(c) Subsection (c) of section 102 of such Act is repealed.

Sec. 203. (a) Subsection (b) of section 103 of the National Historic Preservation Act is amended by inserting after "projects" the words "and programs" and by striking out the second sentence thereof and substituting the following: "The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act."

(b) Section 103 of such Act is amended by adding at the end thereof the following:

"(c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) for historic preservation projects or programs of such local governments in any year in which the total annual apportionment to the States exceed \$65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c).

"(d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on

the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c), nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments."

Sec. 204. Section 104 of the National Historic Preservation Act is amended to read as follows.

"Sec. 104. (a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

"(b) A loan may be insured under this section only if—

"(1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;

"(2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;

"(3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;

"(4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;

"(5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;

"(6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and

"(7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

"(c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 and subsections (g) and (i) of this section, as in effect on the date of the enactment of this Act but which has not been appropriated for any purpose.

"(d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

"(e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section

"(f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may—

"(1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and

"(2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g).

"(g)(1) In any case in which a historic property is obtained pursuant to subsection (f), the Secretary shall attempt to convey such property to any governmental or non-

governmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.

"(2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

"(h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out purposes of this Act

"(i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

"(j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e).

"(k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank."

Sec. 205. Section 108 of the National Historic Preservation Act is amended by inserting after the term "1981" the phrase "and \$150,000,000 for each of fiscal years 1982 through 1987"

Sec. 206. Title I of the National Historic Preservation Act is amended by adding the following new section at the end thereof:

"Sec. 110 (a)(1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

"(2) With the advice of the Secretary and in cooperation with the State historic preservation officer for the State involved, each Federal agency shall establish a program to locate, inventory, and nominate to the Secretary all properties under the agency's ownership or control by the agency, that appear to qualify for inclusion on the National Register in accordance with the regulations promulgated under section 101(a)(2)(A). Each Federal agency shall exercise caution to assure that any such property that might qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

"(b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a), in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

"(c) The head of each Federal agency shall, unless exempted under section 214, designate a qualified official to be known as the agency's 'preservation officer' who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(g).

"(d) Consistent with the agency's missions and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

"(e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than 90 days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

"(f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

"(g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

"(h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts of not to exceed \$1,000 and provide citations for special achievement to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

"(i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969, and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

"(j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security."

Sec. 207. Title I of the National Historic

Preservation Act is amended by adding the following at the end thereof:

"Sec 111 (a) Notwithstanding any other provision of law, any Federal agency may, after consultation with the Advisory Council on Historic Preservation, lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

"(b) The proceeds of any lease under subsection (a) may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

"(c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of the historic property."

Sec. 208. Notwithstanding section 7(a) of the Act of June 27, 1960 (16 U.S.C. 469c), or any other provision of law to the contrary—

(1) identification, surveys, and evaluation carried out with respect to historic properties within project areas may be treated for purposes of any law or rule of law as planning costs of the project and not as costs of mitigation;

(2) reasonable costs for identification, surveys, evaluation, and data recovery carried out with respect to historic properties within project areas may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit; and

(3) Federal agencies, with the concurrence of the Secretary and after notification of the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, are authorized to waive, in appropriate cases, the 1 per centum limitation contained in section 7(a) of such Act.

TITLE III—AMENDMENTS TO TITLE II OF NATIONAL HISTORIC PRESERVATION ACT

Sec. 301. (a) Section 201(a) of the National Historic Preservation Act is amended by striking out "twenty-nine" and all that follows and substituting: "the following members:

"(1) a Chairman appointed by the President selected from the general public;

"(2) the Secretary of the Interior;

"(3) the Architect of the Capitol;

"(4) the Secretary of Agriculture and the heads of four other agencies of the United States (other than the Department of the Interior) the activities of which affect historic preservation, appointed by the President;

"(5) one Governor appointed by the President;

"(6) one mayor appointed by the President;

"(7) the President of the National Conference of State Historic Preservation Officers;

"(8) the Chairman of the National Trust for Historic Preservation;

"(9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archeology, and other appropriate disciplines; and

"(10) three at-large members from the general public, appointed by the President."

(b) Section 201(b) of such Act is amended by deleting (1) through (17) and substituting (2) through (8) (other than (5) and (6))" and by inserting the following before the period " , except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated".

(c) Section 201(c) of such Act is amended to read as follows:

"(c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) and (10) of subsection (a) shall serve for a term of four years from the expiration of his predecessor's term: except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed."

(d) Section 201(d) of such Act is amended to read as follows:

"(d) A vacancy in the Council shall not affect its powers, but shall be filled, not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before the enactment of the National Historic Preservation Act Amendments of 1980 shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after the enactment of the National Historic Preservation Act Amendments of 1980."

(e) Section 201(e) of such Act is amended to read as follows:

"(e) The President shall designate a Vice Chairman, from the members appointed under paragraph (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant."

(f) Section 201(f) of such Act is amended by deleting the word "Fifteen" and substituting in lieu thereof the word "Nine".

(g) (1) Section 202(a) of such Act is amended by striking out "and" after the semicolon in paragraph (4), by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs:

"(6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act, and

"(7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organiza-

tions and private groups and individuals as to the Council's authorized activities."

(2) Section 202(b) of such Act is amended by inserting the following before the period at the end thereof: "and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act".

(h) Section 204 of such Act is amended by striking out the first sentence and so much of the second sentence as precedes the words "shall receive" and substituting "The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council".

(i) The third sentence of section 205(b) of such Act is amended by inserting after the words "whenever appropriate" the phrase "including enforcement of agreements with Federal agencies to which the Council is a party".

(j) Section 205(g) of such Act is amended by (1) inserting after the word "duties" in the second sentence "and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act"; and (2) striking out "(1) through (16)" and substituting "(2) through (4)".

(k) Section 210 of such Act is amended by striking out the first sentence thereof.

(l) Section 211 of such Act is amended by adding the following at the end thereof: "The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 which affect such local governments."

Sec. 302. (a) Title II of the National Historic Preservation Act is amended by adding the following new sections at the end thereof:

"Sec. 213. To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

"Sec. 214. The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties."

(b) Section 212(b) of such Act is amended by striking out "Senate Committee on Interior and Insular Affairs" and substituting "Senate Committee on Energy and Natural Resources".

TITLE IV—INTERNATIONAL ACTIVITIES AND WORLD HERITAGE CONVENTION

Sec. 401 (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such

excess currency of the country or area where the expense is incurred as may be available to the United States.

(b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

Sec. 402. Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

TITLE V—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

Sec. 501. The National Historic Preservation Act is amended by adding the following new title at the end thereof:

"TITLE III

"Sec 301. As used in this Act, the term—
 "(1) 'Agency' means agency as such term is defined in section 551 of title 5, United States Code, except that in the case of any Federal program exempted under section 214, the agency administering such program shall not be treated as an agency with respect to such program.

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific Islands.

"(3) 'Local government' means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.

"(4) 'Indian tribe' means the governing body of any Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1701 et seq.).

"(5) 'Historic property' or 'historic resource' means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register; such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

"(6) 'National Register' or 'Register' means the National Register of Historic Places established under section 101.

"(7) 'Undertaking' means any action as described in section 106.

"(8) 'Preservation' or 'historic preservation' includes identification, evaluation, recordation, documentation, curation, acqui-

sition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities.

"(9) 'Cultural park' means a definable urban area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

"(10) 'Historic conservation district' means an urban area of one or more neighborhoods and which contains (A) historic properties, (B) buildings having similar or related architectural characteristics, (C) cultural cohesiveness, or (D) any combination of the foregoing.

"(11) 'Secretary' means the Secretary of the Interior except where otherwise specific."

(12) "State historic preservation review board" means a board, council, commission, or other similar collegial body established as provided in section 101(b) (1) (B)—

(A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),

(B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, and architecture, and

(C) which has the authority to—

(i) review National Register nominations and appeals from nominations;

(ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;

(iii) provide general advice and guidance to the State Historic Preservation Officer, and

(iv) perform such other duties as may be appropriate.

(13) "Historic preservation review commission" means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c) (1) (B), and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among—

(A) professionals in the disciplines of architecture, history, architectural history, planning, archaeology, or related disciplines, to the extent such professionals are available in the community concerned, and

(B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

"Sec. 302. Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

"Sec. 303. (a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

"(b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.

"Sec. 304. The head of any Federal agency, after consultation with the Secretary, shall withhold from disclosure to the public, information relating to the location or character of historic resources whenever the head of the agency or the Secretary determines that the disclosure of such information may

create a substantial risk of harm, theft, or destruction to such resources or to the area or place where such resources are located.

"Sec 305. In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

"Sec 306. (a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a non-profit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall—

"(1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

"(2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;

"(3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;

"(4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and

"(5) encourage contributions to the building arts.

"(b) The cooperative agreement referred to in subsection (a) shall include provisions which—

"(1) make the site available to the Committee referred to in subsection (a) without charge;

"(2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and

"(3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

"(c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than \$500,000 may be provided to the Committee in any one fiscal year.

"(d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable—

"(1) be commenced immediately,

"(2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and

"(3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

"(e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its activities under this section and shall provide the Secretary and

the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

"(f) For purposes of this section, the term 'building arts' includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

"Sec. 307. (a) At least thirty days prior to publishing in the Federal Register any proposed regulation required by this Act, the Secretary shall transmit a copy of the regulation to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary also shall transmit to such committees a copy of any fiscal regulation prior to its publication in the Federal Register. Except as provided in subsection (b) of this section, no final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

"(b) In the case of an emergency, a final regulation of the Secretary may become effective without regard to the last sentence of subsection (a) if the Secretary notified in writing the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate setting forth the reasons why it is necessary to make the regulation effective prior to the expiration of the thirty-day period.

"(c) Except as provided in subsection (b), the regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of _____, which regulation was transmitted to Congress on _____, the blank spaces therein being appropriately filled.'

"(d) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

"(e) For the purposes of this section—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

"(f) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation."

Sec 502. The Secretary, in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage

such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

Sec 503. The Advisory Council on Historic Preservation, in cooperation with the Secretary and the Secretary of the Treasury, shall submit a report to the President and the Congress on Federal tax laws relating to historic preservation or affecting in any manner historic preservation. Such report shall include recommendations respecting amendments to such laws which would further the purposes of this Act. Such report shall be submitted within one year after the date of enactment of this Act.

Sec. 504. The Secretary shall submit a report directly to the President and the Congress on or before June 1, 1986, reviewing the operation of the Historic Preservation Fund and the national historic preservation program since the enactment of this Act and recommending appropriate funding levels, the time period for the reauthorization for appropriations from the fund, and other appropriate legislative action to be undertaken upon the expiration of the current fund authorization.

Sec. 505. The Pennsylvania Avenue Development Corporation shall review the development plan for those parts of the development area which are not under development or committed for development as of the date of the enactment of this Act, to identify means by which the historic values of such parts of the development area may be preserved and enhanced to the maximum extent feasible. The foregoing review shall not be limited by the applicable provisions of the development plan in effect at the time of the review; nor shall the review require any actions by the Corporations during the course of the review or during its consideration by the Congress. Within one year of the date of this Act the Corporation shall submit to the appropriate committees of Congress a report containing the findings of the review required under this section, together with the Corporation's recommendations for any legislative measures or funding necessary to carry out the purposes of this section. The report shall also include a description of those activities which the Corporation proposes to undertake to carry out the purposes of this section and the financial implications of carrying out those activities.

Sec. 506. The Secretary shall undertake a comprehensive study and formulate recommendations for a coordinated system of cultural parks and historic conservation districts that provide for the preservation, interpretation, development, and use by public and private entities of the prehistoric, historic, architectural, cultural, and recreational resources found in definable urban areas throughout the Nation. The study shall propose alternatives concerning the management and funding of such system by public and private entities and by various levels of government. The Secretary shall submit a report of his study and recommendations to the President and the Congress within two years after the enactment of this Act.

Sec. 507. The Secretary, in cooperation with the Secretary of the Treasury, the Administrator of the United States Fire Administration, and the Administrator of the Federal Insurance Administration, shall submit a report to the President and the Congress on fire in historic properties. Such report shall include a review of Federal laws to determine any relationship between these laws and arson or fire by "suspicious origin", and

to make recommendations respecting amendments to such laws should a correlation be found to exist. Such report shall include the feasibility and necessity of establishing or developing protective measures at the Federal, State, or local level for the prevention, detection, and control of arson or fire by "suspicious origin" in historic properties. Such report shall also include recommendations regarding the Federal role in assisting the States and local governments with protecting historic properties from damage by fire. Such report shall be submitted within eighteen months after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. SEBELIUS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. SEIBERLING) will be recognized for 20 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as author of the original version of H.R. 5496, I am pleased to speak today on its behalf and on behalf of all those who support our Nation's historic preservation programs. I am doubly pleased because, as my friend and colleague Mr. PHILIP BURTON pointed out, the bill before us is not the product of my efforts alone. It reflects a tremendous amount of work by Members on both sides of the aisle. This kind of bipartisan interest is indeed significant on such an important piece of legislation.

No list of commendations on this bill would be complete, however, without special mention of one of the guiding forces behind it—Mr. BURTON himself. His continuing spirit of coordination and compromise has been an inspiration to all of us.

Special thanks are due also to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Arizona (Mr. UDALL), and to our ranking member, the gentleman from California (Mr. CLAUSEN). They have worked together to make this bill a truly bipartisan effort.

Another member who deserves great credit for helping to draft the final compromise version of this bill is the gentleman from Wyoming (Mr. CHENEY). He has been willing to listen to all points of view and to modify his own approach to the bill in response to identified needs and problems. The final version of the bill has been greatly improved because of his efforts.

Other significant contributions have been made by the ranking members of the Subcommittee on National Parks and Insular Affairs and the Subcommittee on Public Lands—the gentleman from Kansas (Mr. SEBELIUS), and the gentleman from Colorado (Mr. JOHNSON). Their knowledge and experience in historic preservation matters has been of great help to all of us.

In addition, several other members have contributed substantially to this

legislation. I would particularly like to commend Mr. BINGHAM from New York, Mr. SANRINI from Nevada, Mr. KOZMAYER from Pennsylvania, Mr. VENTO from Minnesota, Mr. KOGOVSEK from Colorado, Mr. LUJAN from New Mexico, Mr. LAGOMARSINO, Mr. PASHAYAN from California, and Mr. BLEUTER from Nebraska.

As you can see, support for this bill comes not only from both sides of the aisle but from nearly every region of the country.

I would also like to mention the outstanding work of this bill accomplished by the staff of the committee and of several of the members. In particular, I would like to thank Gary Ellsworth and Clay Peters on the committee's minority staff, and Lee McElvain, Cleve Pinnex, and Lorelta Neumann on the majority staff. Others who have worked hard on this legislation include Patty Howe on Mr. CHENEY's staff and Mike Rosenberg on Mr. BINGHAM's staff, and Pope Barrow of the Office of the Legislative Council.

Several officials within the administration were particularly helpful. Indeed, President Carter himself was one of the major proponents of legislation such as this, when he made enactment of a National Heritage Policy Act one of his priorities. Although this bill differs in a number of ways from his original proposal, it was the President's impetus and leadership that made this version possible.

Several officials within the administration deserve special thanks, including Mr. Robert Herbst, Assistant Secretary of the Interior for Fish, Wildlife and Parks, and his deputy, David Hales; Chris Delaporte, Director, Heritage Conservation and Recreation Service; Robert Garvey, Executive Director, Advisory Council on Historic Preservation; and Ross Holland, Assistant Director for Cultural Resources, National Park Service.

I would also like to point out that nearly 200 organizations have supported this legislation, including representatives of historic preservation, labor, industry and related professions and interests. At the end of my remarks I would like to insert in the Record a list of these organizations.

Several representatives of these organizations deserve special mention for the invaluable assistance they have provided on this bill. Among these are Nellie Longworth of Preservation Action; Larry Tise, Rodney Little, and Peter King of the National Conference of State Historic Preservation Officers; Michael Ainslie and Aubra Anthony of the National Trust for Historic Preservation; Ruthann Knudson of the Society for American Archeology; Cynthia Field of the Building Museum; Len Simon of the U.S. Conference of Mayors; and Kevin McCarty of the National League of Cities.

BACKGROUND AND SUMMARY OF BILL

Mr. Speaker, Federal programs for historic preservation have been in place for over 100 years. H.R. 5496 builds on this foundation of experience to provide affirmative direction for historic preservation programs in the years ahead.

H.R. 5496 would amend the National Historic Preservation Act of 1966. That

act was landmark legislation which established, for the first time, a partnership between the Federal Government and the States, and private sector. It broadened the national landmark program, established by the Congress in 1935, to create the National Register of Historic Places listing historic properties of the national, State, and local significance. The act also provided grants to States and the National Trust for Historic Preservation, and it created the Advisory Council on Historic Preservation to review the effects of Federal undertakings on historic properties.

H.R. 5496 would provide further definition and guidance for these programs to meet identified needs. It would establish criteria to qualify State historic preservation programs for increased authorities and reauthorize the Historic Preservation Fund through 1987 at its currently authorized level of \$150 million a year.

In addition the bill would, for the first time, provide for certification of local government programs and offer local governments an opportunity to participate in Federal financial assistance, in reviews of nominations to the National Register and in the reviews of Federal undertakings on historic properties within their jurisdictions.

The bill would also define Federal agency responsibilities and revise the structure of the Advisory Council on Historic Preservation. Other sections of the bill would provide for proper maintenance of archeological resources, procedures for implementing the World Heritage Convention, a loan insurance program, recognition of the National Museum of the Buildings Arts, and studies to provide information on historic preservation matters.

CHANGES IN THE BILL: "OWNER CONSENT"

The only major controversy over the bill centered on the so-called "owner consent" provision, adopted by the committee at the suggestion of Mr. CHENEY. The amendment required an owner's consent (or the majority of owners, in the case of an historic district) before a property could be included on the National Register or designated a national historic landmark.

We felt that the amendment would meet the concerns of property owners while maintaining the existing process for protecting historic properties. The committee version did not, for example, require an owner's consent for determinations of whether a property were eligible for inclusion or designation; if eligible, it would still receive the same protection in the event of a Federal undertaking that might adversely affect it.

Since adoption of that amendment, however, a number of issues and concerns related to the provision have been brought to our attention. As a result, Mr. CHENEY and I recommended a compromise provision, which is now incorporated into the bill.

Following is a brief outline of the changes that were made by this compromise:

Regulations would be required to give all owners notification and an oppor-

tunity to concur in or object to inclusion of a property on the National Register or designation as a national historic landmark.

Absent such objection, a property would be so included or designated.

If a private owner (or majority of private owners in an historic district) object, the property would not be included or designated. However, the Secretary of the Interior would then make a determination of eligibility on historic grounds and provide the information to the appropriate officials and the owner or owners.

The determination of eligibility would have no automatic side-effect on the actions of private owners, except for the usual review procedures in the event of a Federal undertaking.

An eligible property could subsequently be included or designated upon withdrawal of the objection.

Regulations would be required to deal with situations relating to multiple ownership of a single property.

I want to commend Mr. CHENEY for his thoughtfulness on this matter and his willingness to amend his original provision to meet many of the concerns that were addressed. Mr. CHENEY clearly has demonstrated a genuine concern for historic preservation and he has been sincerely interested in listening to all points of view on this issue.

I believe that the new version is a reasonable and workable compromise which adequately takes into account the concerns of private owners without seriously eroding the usefulness of the National Register as a planning tool and comprehensive historical record.

Key to this is the requirement that the Secretary make a determination of eligibility for those properties which are subject to an objection and therefore not included on the National Register. The objective information about the property's historical values would then be available for planning purposes on State and local inventories and for use by the Advisory Council in the event of a Federal undertaking that would adversely affect it.

Moreover, the new provision should be viewed in the context of the total bill. H.R. 5496 offers many incentives for properties to be included on the National Register. It is also one that offers many improvements in the national historic preservation program as a whole.

OTHER CHANGES

There are several changes in the bill at the desk which, although noncontroversial, are significant.

Others are merely technical or conforming changes.

Following is an explanation of the significant ones:

Section 101(a) (5) was amended to assure that the provision allowing appeals of National Register nominations would be directed to the Secretary of the Interior.

This change is not intended in any way to limit the rights of persons or local government to appeal to the courts for other remedies that are available. The purpose here, however, is to give any per-

son or local government an opportunity to appeal directly to the Secretary if a nominating authority has nominated a property which does not appear to meet the criteria of the National Register; it also allows them to appeal to the Secretary the failure or refusal of a nominating authority to nominate a property that does meet such criteria. The Secretary of the Interior has the authority to determine whether any property should be included on the National Register.

Section 110(e) was amended to place a 90-day time limit on the Secretary's review of the plans of transferees of surplus federally owned historic properties prior to such transfer.

Under Executive Order 11593, the Secretary of the Interior reviews such plans to assure that properties are not damaged or destroyed. The new language assures that the Secretary makes these reviews in a timely manner.

Section 110(f) was amended to state that Federal agencies would to the maximum extent practicable (rather than possible) undertake such planning and actions as necessary to minimize harm to a national historic landmark which might be directly and adversely affected by a Federal undertaking.

Although the words generally carry the same interpretation, there was some concern that the word "possible" had too broad a connotation and might lead to unnecessary litigation.

Section 110(g) was amended to provide discretionary, rather than mandatory, authority to Federal agencies to use funds available for specific projects for related preservation activities.

This authority is in addition to that provided under the so-called Economy Act (general appropriations legislation) to spend funds in the pursuit of national policies without specific appropriations authorizations. This section is not meant to limit the authority of agencies to expend funds for environmental compliance related to their activities as, for example, is provided in section 302 of this bill.

Section 301 was amended to clarify the definition of "agency" to assure that all or part of an agency's programs, if they have minimal effect on historic properties, may be exempted from the provisions of this act.

The intent of this change is to clarify that exemptions may be made under sections 214; it is not, however, to permit the exemption of an individual undertaking from the requirements of section 106 merely because an agency desires to follow a more expeditious route.

Section 302 was amended to express the intent that preservation activities conducted by Federal agencies will be funded from budgetary activities related to the preservation concern, and recognizes the constraints that might be added by appropriations legislation.

As with section 302, the purpose of this section is to assure that preservation activities are integrated into other appropriate agency activities. Thus, for example, the use of Forest Service timber cutting funds for preservation work related to the timber cutting is appropriate. On the other hand, the use of food

stamp funds, which is not related to preservation, would be precluded. The language is not meant to bar agencies from spending their operating funds, which are commonly used for environmental compliance activities, for these expenditures.

In addition, I would also like to offer clarification on the grants provided in section 101(d)(3)(A)(iv) on page 17 of the bill. Concern was raised as to whether or not these grants could be used to provide rent subsidies to residents or small businesses within historic districts. That is not the intent of this provision. Rather, it is meant to provide special grants in cases where existing residents and small businesses cannot obtain sufficient assistance from other programs (including the loan insurance program established by this bill). While the needs may be greater than this program can meet, I do feel that we should make some effort to give special assistance to residents and small businesses who may be adversely affected by renovation activities carried out in historic districts.

PRESERVE THE PAST, SAVE THE FUTURE

Lastly, I would like to add to comments that have been frequently made that historic preservation is part of our Nation's future.

One thing that has struck me in working on this legislation is that the term "historic preservation" encompasses so much that is important to all of us, regardless of our political persuasion or philosophy. It includes our everyday world, the places where we live and work, as well as remote archeological sites that hold the remains of previous generations. We share the need to preserve those tangible bonds that preserve our history as a people and a Nation.

What makes historic preservation different from other environmental concerns is that it is often so immediate and personal. We recognize that we cannot save everything. Indeed, as one historian pointed out, the problem with historic preservation is that structures start to deteriorate from the moment they are built. Yet once these historical places are gone, they are gone forever.

The best we can do is to preserve as much as we can for as long as we can. We are fortunate that those who came before us left us these treasures to enjoy. We must do the same for those who come after us.

The list follows:

- ORGANIZATION SUPPORTING H.R. 5496
- The National Trust for Historic Preservation.
- Preservation Action
- The Coordinating Council of National Archaeological Societies
- The National Conference of State Historic Preservation Officers.
- The National Center for Preservation Law.
- The Museum for the Building Arts.
- The US Conference of Mayors.
- The League of Cities.
- American Horticultural Society.
- San Antonio Conservation Society.
- Society for Historical Archaeology.
- Society for American Archaeology.
- Society of Professional Archaeologists
- Cleveland Landmarks Commission.
- Friends of Ohio Landmarks.

Historic Faubourge-St. Mary Corporation.
Marshall Historical Society, MI.
Landmarks Association of St. Louis, Inc.
Society of Architectural Historians.
Municipal Arts Society, NY.
Connecticut Trust for Historic Preservation

American Institute of Architects

AMERICAN HERITAGE ALLIANCE

Adirondack Council.

The Alabama Trust for Historic Preservation

America the Beautiful Fund.

American Planning Association.

American Society of Interior Designers

Audubon Naturalist Society of the Central Atlantic States, Inc

Center for Environmental Intern Programs

Center for the Hudson River Valley.

Connecticut Association of Historic District Commissioners.

The Conservation Foundation

Florida Trust for Historic Preservation.

Friends of Pickering Creeks Conservation Trust, Inc.

Friends of East Iron Architecture.

Friends of the Earth.

Great Lake Camp and Trail Association.

Hampton Heritage Foundation, Inc.

Hawaii Geographic Society.

Heritage Hill Association

Historic Augusta.

Historic Broward County Preservation Board.

Historic Denver, Inc

Historic Fredericksburg Foundation, Inc

Historic Gettysburg-Adams County, Inc.

Historic House Association of America.

Historic Kansas City Foundation.

Historic Nashville, Inc.

Historic Preservation Trust of Lancaster, Pa.

Historic St. Augustine Preservation Board.

Izaak Walton League of America.

Jacksonville Historic Landmarks Commission.

Knoxville Heritage, Inc.

Lehigh Valley Conservancy, Inc

Leonia Environmental Commission

Litchfield Historic District Commission.

Maryland Association of Historic District Commissions

Morris County Trust for Historic Preservation

National Audubon Society.

National Council for Preservation Education

National Parks and Conservation Association

National Wildlife Refuge Association.

Natural Land Institute.

Natural Resources Defense Council.

Natural Science for Youth Foundation

The Nature Conservancy.

The New Mexico Natural History Institute.

New York Landmarks Conservancy.

Partners for Livable Places

Piedmont Environmental Council

Public Lands Institute

The Sanibel-Captiva Conservation Foundation, Inc.

Save the Dunes Council.

Scenic Hudson Preservation Conference

Sierra Club.

Society for Commercial Archaeology.

Society for Industrial Archaeology.

The Southern New Jersey Chapter of the Archaeological Society of New Jersey.

Thorne Ecological Institute.

The Trust for Public Land.

The Victorian Society in America.

The Wilderness Society.

Historic Columbus Foundation

Wilderness Watch.

The Preservation Resource Center of New Orleans

The Colonial Williamsburg Foundation.

The Alabama Conservancy.

Birmingham Historical Society, Al.

Early Settlers Association of the Western Reserve, Ohio.

Cleveland Restoration Society.

Quapaw Quarter Association, Ar.

Macon Heritage Foundation, Ga.

American Society for Conservation Archaeology.

Archaeological Institute of America.

Association for Field Archaeology.

National Association of State Archaeologists.

American Association of State and Local History

Historic Columbus Foundation, Inc., Ga.

Townscape Institute, Inc., Ma.

ORGANIZATIONS ENDORSING THE NATIONAL BUILDING MUSEUM—H.R. 5496

AMERICAN ASSOCIATION OF ENGINEERING SOCIETIES

American Society of Civil Engineers.

Western Society of Engineers.

American Institute of Mining, Metallurgical and Petroleum Engineers, Inc.

American Society of Mechanical Engineers.

Cleveland Engineering Society.

Institute of Electrical and Electronics Engineers.

American Society for Engineering Education.

Society of Naval Architects and Marine Engineers.

American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.

Engineering Society of Detroit.

Louisiana Engineering Society.

Society of Automotive Engineers, Inc.

Washington Society of Engineers

Illuminating Engineering Society of North America.

Air Pollution Control Association.

American Society of Agricultural Engineers.

American Institute of Chemical Engineers.

American Society of Safety Engineers.

American Society for Metals.

Society of Motion Picture and Television Engineers, Inc.

National Council of Engineering Examiners

Society of American Military Engineers.

Engineering Societies of New England, Inc.

Institute of Transportation Engineers.

American Institute of Aeronautics and Astronautics, Inc

Engineers' Council for Professional Development.

Society of Manufacturing Engineers.

National Society of Professional Engineers.

National Institute of Ceramic Engineers.

Society of Allied Weight Engineers, Inc.

American Congress on Surveying and Mapping.

Society of Plastics Engineers, Inc.

Society of Experimental Stress Analysis.

Instrument Society of America.

National Association of Corrosion Engineers.

Society of Packaging and Handling Engineers.

American Society for Quality Control.

Standards Engineers Society.

American Institute of Industrial Engineers.

International Material Management Society.

International Material Management Society, New Jersey Chapter, Inc.

Society of Fire Protection Engineers.

Society of Women Engineers

American Institute of Plant Engineers.

American Nuclear Society.

American Society of Gas Engineers.

American Academy of Environmental Engineers.

American Association of Cost Engineers.

Danville Engineers Club.

American Consulting Engineers Council.

Federation of Materials Societies.

Association for Cooperation in Engineering.

American Institute of Architects.

American Institute of Constructors.

American Institute of Real Estate Appraisers.

American Planning Association.

American Society of Interior Designers.

American Society of Landscape Architects.

Associated General Contractors of America

Association of Collegiate Schools of Architecture.

Association for Preservation Technology.

Brick Institute of America.

BUILDING AND CONSTRUCTION TRADES

DEPARTMENT, AFL-CIO

International Association of Heat and Frost Insulators and Asbestos Workers.

International Brotherhood of Boilermakers,

Iron Shipbuilders, Blacksmiths, Forgers and

Helpers.

International Union of Bricklayers and

Allied Craftsmen.

United Brotherhood of Carpenters and

Joiners of America.

International Brotherhood of Electrical

Workers.

International Union of Elevator Constructors.

International Union of Operating Engi-

neers.

The Granite Cutters' International Asso-

ciation of America.

International Association of Bridge, Struc-

tural and Ornamental Iron Workers.

Laborers' International Union of North

America.

Tile, Marble, Terrazzo, Finishers and Shop-

men International Union.

International Brotherhood of Painters and

Allied Trades.

Operative Plasterers' and Cement Masons'

International Association of the United

States and Canada.

United Union of Roofers, Waterproofers

and Allied Workers.

Sheet Metal Workers' International Asso-

ciation.

United Association of Journeymen and Ap-

prentices of the Plumbing and Pipe Fitting

Industry of the United States and Canada.

COUNCIL OF AMERICAN BUILDING OFFICIALS

Building Officials and Code Administrators

International, Inc.

Southern Building Code Congress Interna-

tional, Inc

International Conference of Building

Officials.

Cultural Alliance of Greater Washington

District of Columbia Office of Planning and

Development.

Greater Washington Board of Trade.

Greater Washington Central Labor

Council, AFL-CIO.

National Association of Housing and Re-

development Officials.

National Construction Industry Council.

National Institute of Building Sciences.

National Trust for Historic Preservation.

Neighborhood Development Collaborative.

Sheet Metal and Air Conditioning Con-

tractors National Association.

Society of Architectural Historians

Society for Industrial Archeology.

The Victorian Society in America

Washington Building Congress.

Society for American Archeology.

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Mr. GRADISON. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I am glad to yield to gentleman from Ohio.

Mr. GRADISON. Mr. Speaker, I thank the gentleman from Ohio for yielding.

I want to thank the gentleman also for explaining the new provision with regard to owner consent.

As a member of the Committee on

Ways and Means, I would like to indicate that we have held a series of hearings on the question of the future of the existing tax provisions. While the testimony was not unanimous, there were very serious questions raised in each of the hearings about the wisdom of continuing the disincentives.

Now, I understand that this bill will remove the owner consent.

Mr. SEIBERLING. Mr. Speaker, if the gentlemen will yield on that point, the bill does not eliminate owner consent.

Mr. GRADISON. Excuse me. I thank the gentleman for correcting me. This bill will require owner consent.

Mr. SEIBERLING. Correct.

Mr. GRADISON. In contrast with what we have had in the past.

Now, one of the arguments that has been used in the past has been that this is basically a listing that is set up for planning purposes. Therefore, that the consent of the owner should in no way be required; that would be perfectly reasonable if there were no disincentives provided such as we have today.

I think there is a reasonable possibility that within the next year the Committee on Ways and Means will have an opportunity to review the disincentives. Indeed, they may ultimately be eliminated. If they were, then I think it would be possible to go back and take a whole new look at this question of owner consent and perhaps move back toward the basic concept of the listing being a planning tool, rather than a step which carries with it disadvantages for property owners.

Mr. SEIBERLING. Well, I agree with the gentleman that it should be reviewed. I personally believe, based on what I know now—I could change that if additional facts came to my attention that warranted it—this tax disincentive to owners of properties that are on the National Register of Historic Places should be removed from the law, because that is a disincentive to protection, in fact.

We want to encourage people to put their historic properties on the National Register because then they are more likely to be preserved, even if there are no tax disincentives. I hope that the committee does review that.

Let me say that I was discussing the original form of the Cheney amendment. The form that is incorporated in the bill that is before us recasts the owner consent provision somewhat. The bill requires the Secretary to issue regulations directing that all owners be given notice and an opportunity to concur in or object to the inclusion of their property on the National Register or designation as a national historic landmark. The bill further provides that if an owner objects, then the property cannot be included on the Register. If the owner did not object, then the property could be put on the Register. However, the bill also provides that even if the owner objects the Secretary of Interior would still make a determination as to whether that property was eligible on historic grounds and would provide information to the appropriate officials and the owner, so that if the owner later withdrew his or her objection, the

property could then be included or designated at that time for inclusion on the National Register.

It is most gratifying that the gentleman from Wyoming (Mr. CHENEY) worked with us and with the historic preservation groups, including, in particular, the National Trust for Historic Preservation, to refine that provision to the point where it does not frustrate the process of identifying and protecting historic properties, yet it still preserves the principle of owner consent.

So I again want to commend the gentleman from Wyoming for both his concept and for his willingness to work out a refined version of it.

There are several other changes of significance, as well as some technical changes. I do not think I will go into them now, unless somebody wishes to.

I would simply again emphasize that this bill is a consensus bill. It does strengthen the national historic preservation program and at the same time provides us with the means of making it more flexible and protecting the interests of local governments and private property owners. While it is not a panacea, it certainly helps set an agenda for the future and one that will make preservation a partner and not a competitor in our Nation's future growth and development.

(Mr. SEIBERLING asked and was given permission to revise and extend his remarks and to include extraneous material.)

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. DUNCAN of Oregon). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

(Mr. CORRADA asked and was given permission to revise and extend his remarks.)

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 5496, the National Historic Preservation Act Amendments of 1980 and urge my colleagues to vote in favor of this legislation.

This legislation is the product of long and substantial hearings that have resulted in a comprehensive and equitable bill that has the approval of representatives from major historic preservation organizations as well as business and industry groups. This bill is needed to enable the historic preservation fund to continue with the excellent work it has been performing since its establishment in 1966.

The spirit of cooperation established by the National Historic Preservation Act of 1966 between the Federal, State, and private sectors must be maintained and enhanced. This bill achieves this goal by providing, for the first time, for the participation of qualified local government and elected officials in the nomination of properties to the National Register of Historic Places. The bill also establishes an insured loan program for

properties on the National Register and provides greater uniformity of the program at the State level.

Every area of the country will benefit from this legislation through the preservation of sites of historic value and significance to all our citizens.

Again, I urge my colleagues to cast their votes in favor of the enactment of the National Historic Preservation Act Amendments of 1980.

Mr. SEBELIUS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SEBELIUS asked and was given permission to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio who did such fine work on this bill and congratulate the gentleman from California (Mr. PHILLIP BURTON), the chairman of the subcommittee, and the gentleman from Arizona (Mr. UDALL) the chairman of the full committee.

Mr. Speaker, I support the adoption by the House of the bill now under consideration (H.R. 5496). This bill amends existing historic preservation law and brings forth certain other new provisions so as to update the statutory framework for accomplishing historic preservation.

Accomplishments in the field of historic preservation in this country have been exceptional over the period of the last couple of decades. Much of this success can be attributed to the existence and perfection of Federal historic preservation law through that period, coupled with the tremendous activism and commitment of private individuals, citizen historic preservation organizations, and State and local governments.

This bill brings forth many needed and appropriate adjustments and additions to historic preservation law. The only element of the bill which I strongly oppose is the provision of owner consent for the listing of historic items on the National Register of Historic Places. Since I have registered the essence of my thoughts in the additional views of the committee report (Rept. No. 96-1457), I shall not belabor the issue again here, since the bill cannot be amended at this point and I do intend to vote for the bill, nevertheless.

I should point out before leaving this matter, however, that in the event that an owner does object to his eligible property being placed on the register, the Secretary is thereupon required to notify specified entities of the professional eligibility of the property. This action should be taken in writing, and a separate listing should be maintained of such properties possessing such professional eligibility but not incorporating owner consent for direct register listing. This listing will then be publicly available for whatever consultation value it may have in indicating the professional historic qualities of a property, despite owner objection to listing on the national register itself.

Mr. Speaker, there is one remaining point I would like to comment on with regard to this bill. In the review of the historic preservation program at the

Federal level, it has become quite clear to me, as I am certain that it has to others, that the Federal bureaucracy dealing with this program has proliferated beyond logical need. The great bulk of the Federal historic preservation program is centered within the Department of the Interior. Other major parts of the program are operated by the Advisory Council on Historic Preservation.

Another role is played by the federally chartered national trust for historic preservation. Many other departments and agencies of the Federal Government are also involved in historic preservation activities, usually as related to their own operations.

There are some very good reasons why all historic preservation programs cannot and should not be consolidated into one central operation. But I do believe there is also good reason to closely scrutinize this matter to see if some economies and efficiencies of operation could not be accomplished by some form of consolidation, with the principal aim of accomplishing greater achievements for historic preservation, and the secondary aim of accomplishing greater economies of operating efficiency and dollar expenditures. Time did not permit this bill to address this issue, but this matter should be reviewed and acted upon promptly by the next Congress.

● Mr. DERWINSKI. Mr. Speaker, as a cosponsor of this legislation and a student of American history with a desire to see our Nation's historic resources protected, I urge the House to approve H.R. 5496.

This measure, which authorizes the historic Preservation Fund through fiscal year 1987 at its current level of \$150 million per year, will provide better guidance and coordination at Federal, State, and local levels for the national historic preservation program. It permits local governments to nominate sites for listing on the National Register of Historic Places and specifies Federal agency responsibilities with regard to historic preservation programs. It also prohibits non-Federal property from being listed on the Register without the consent of its owner, who, under current law, may thereby subject himself to restrictions and financial disadvantages.

—H.R. 5496 also recognizes the importance of the nongovernmental role and clarifies Federal and State relationships and responsibilities to assure greater uniformity of programs of historic preservation.●

● Mr. MOAKLEY. Mr. Speaker, I rise today in staunch support for the Historic Preservation Act Amendments of 1980. I wish to congratulate the Interior Committee; particularly Mr. SEIBERLING and Mr. BURTON, who have labored to develop this important legislation which will dramatically improve the historic preservation program in this country.

As a citizen of Boston, I believe that I have a special appreciation for the need to preserve our historic communities and for the sense of belonging which historic architecture can contribute to a community. While I was growing up in Boston, I had a special

feeling for men like Samuel Adams and James Otis, who founded the American Revolution and who walked the same streets as I did only 200 years earlier.

Each Boston community offers a unique history, which not only reflects the community as it was during the time of its construction, but also can transcend that time period. One can walk the street of any historic district and find more than beauty in its architecture, but also a feeling of belonging, a feeling that we are somehow a product of the walls which surround us.

In Boston we have literally thousands of buildings awaiting inclusion into the National Register of Historic Places. This legislation will assist in preserving these buildings and in continuing a program of historic preservation which we so desperately need. I believe that the continuation of the Historic Preservation Fund through 1987; the new provisions to assist Federal, State, and local preservation efforts; and the studies which are mandated under this bill are of crucial importance to the development and continuation of a strong historic preservation program both in Massachusetts and in the Nation as a whole.

I wish to especially thank the committee for including a direction to the Secretary of the Interior to submit a report to the Congress on arson in historic buildings. Boston, like many other communities across the country, has been subjected to a seemingly dramatic increase in the number of historic buildings being destroyed by arson. This report, I believe, will focus attention to this problem and assist in developing both Federal and local programs to assist communities which are presently being victimized by this senseless criminal action.

Mr. Speaker, I urge my colleagues to join in true nonpartisan support for this legislation which is deserving of support by this Congress.●

● Mr. KOSTMAYER. Mr. Speaker, I rise in strong support of this legislation which will extend and strengthen the national historic preservation program established by the landmark National Historic Preservation Act of 1966.

The legislation is important as a reaffirmation of the Federal Government's role in coordinating and encouraging historic preservation activities among our State and local governments, as well as private organizations and individuals.

The legislation extends and expands the National Register of Historic Places which is the official list of our Nation's historical, architectural, and cultural resources worthy of preservation. At the current time there are more than 20,000 entries on the National Register and it represents the most comprehensive listing of our country's cultural resources.

Pennsylvania is one of our most historic States and has many important structures on the register. In my congressional district in southeastern Pennsylvania we have 50 sites on the register. These include the Delaware Canal which runs along the Delaware River the full length of Bucks County and northward into Northampton County, Andalusia in Bensalem Township, a classic example of Greek revival archi-

ecture and the historic home of the Biddle family, the Pearl S. Buck home in Perkasio, Hilltown Township, and Summerseat in Morrisville, the home of two signers of the Declaration of Independence.

One of the finest qualities about the National Register is that it encourages private—rather than solely governmental—efforts at preservation. Listing on the National Register does not insure the preservation of an historic property or prohibit its demolition. However with the passage of the Tax Reform Act in 1976 Congress encouraged private owners to protect historic properties by providing tax incentives for rehabilitation of historic commercial buildings, as well as certain tax disincentive provisions intended to discourage the demolition of historic buildings and their replacement.

H.R. 5496 carries forward this principle of encouraging preservation activities in the private sector. The bill establishes an insured loan program to stimulate private investment in properties included on the National Register. The bill also makes important strides in encouraging State administration of our national historic preservation activities and specifies responsibilities of State historic preservation officers.

I might note Mr. Speaker that the Commonwealth of Pennsylvania's Historic Preservation Office supports this legislation, particularly those provisions extending and strengthening cooperation among Federal, State, and local preservation efforts.

Finally, Mr. Speaker, I would like to mention the fine leadership of my colleague on the Interior Committee, the gentleman from Ohio (Mr. SEIBERLING) and his staff for their leadership roll in advancing this legislation. It is important that as our Nation grows, and our economy expands, as cities and neighborhoods are revitalized, as rural America is changed by slow and steady population growth, we try and preserve for future generations a sense of the history and the overall quality of life which form such a solid foundation of our Nation's cultural heritage. This legislation recognizes this fact, and I urge my colleagues to support it.●

Mr. SEIBERLING. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. SEIBERLING) that the House suspend the rules and pass the bill (H.R. 5496), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.