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On behalf of the
National Conference of State Historic Preservation Officers

Testimony on “H.R.3981 the Preserve America and
Save America’s Treasures Programs Act”
For the Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
United States House of Representatives
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I would like to thank Chairman Grijalva, Ranking Member Bishop, and the members of the House National Parks, Forests, and Public Lands Subcommittee for the opportunity to appear before you. I am Ruth Pierpont, the Deputy State Historic Preservation Officer for the State of New York and a member of the executive board for the National Conference of State Historic Preservation Offices. I appreciate this first opportunity to present our thoughts on the proposed legislation.

The National Conference of State Historic Preservation Officers (NCSHPO) is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of Interior pursuant to the National Historic Preservation Act of 1966. The NCSHPO acts as a communications vehicle among the SHPOs and their staffs and represents the SHPOs with Congress, federal agencies and national preservation organizations

National Historic Preservation Program

In 1966 Congress recognized the importance of preserving our past by passing the National Historic Preservation Act (NHPA 16 USC 470), which established today’s Historic Preservation Program. The NHPA directs State Historic Preservation Offices (SHPOs) to carry out the federal preservation program: 1) Locate and record historic resources; 2) Nominate significant historic resources to the National Register of Historic Places; 3) Foster historic preservation programs and the creation of preservation ordinances at the local government level; 4) Provide funds for preservation activities (including bricks and mortar repairs); 5) Comment on federal preservation tax projects; 6) Create and update State Historic Preservation plans 7) Review all federal projects for their impact on historic properties; and 8) Provide technical assistance to federal agencies,

state and local governments and the private sector. Though often unglamorous, SHPOs' work is the foundation of the preservation of our Nation's heritage.ⁱ

Throughout the past forty two years, with the resources made available, SHPOs have efficiently and effectively carried out our country's historic preservation program. Under the Administration's Program Assessment Rating Tool, management of Historic Preservation Programs received a score of 89% indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report "BACK TO THE FUTURE: A Review of the National Historic Preservation Program." NAPA, a non-profit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program "stands as a successful example of effective federal-state partnership and is working to realize Congress' original vision to a great extent."ⁱⁱ

National Historic Preservation Program Funding

The National Conference has supported and continues to support increased funding for the country's national Historic Preservation Fund (HPF) and for the activities carried out through other historic preservation programs including Save Americas Treasures and Preserve America.

NCSHPO would specifically like to thank the Subcommittee Chairman as well as Representatives Kildee, Abercrombie, Holt, Hinchey, Herseth-Sandlin, Shuler, and Brown for signing onto the fiscal year 2009 letter supporting \$50 million for State Historic Preservation Offices and for increasing funds for Tribal Historic Preservation Offices, Save Americas Treasures, and Preserve America.

In order to ensure the continued integrity of the National Historic Preservation Act, the National Conference appreciates that H.R.3981 clarifies that the programs contained in the legislation *would not be funded from the Historic Preservation Fund* (16 USC 470*h*) in conformance with the eligibility language found in (16 USC 470*a*—Section 101(e)).

Preserve America Summit

In October of 2006 the Advisory Council on Historic Preservation (ACHP) convened the Preserve America Summit which brought together a wide range of agencies, organizations and individuals that are committed to preserving our Nation's heritage. One of the thirteen key recommendations to come from the summit was that "the major preservation partners jointly convene a time-limited, independent review panel (including representatives from federal, state, tribal, and local governments, the business community, the non-profit sector, and academia), to evaluate the current federal historic preservation programs and make recommendations."ⁱⁱⁱ The Administration and the ACHP have moved forward with this recommendation and are in the process of assembling what has become known as the "Blue Ribbon" panel. This panel is expected to convene in the next few weeks and a final report is expected this fall.

Consideration of Existing Infrastructure and Report Recommendations

The National Conference firmly believes that a fulsome consideration of the long-standing, successful structure of the national historic preservation program, along with the recommendations that will come this fall from the “Blue Ribbon” panel and any other relevant reports, is merited prior to enacting this legislation. Given that the “Blue Ribbon” panel report recommendations will be released this year the Conference believes it makes the most sense to wait for the recommendations, allow Congress, the Administration, and all Preservation Partners the opportunity to evaluate the recommendations, and then if necessary, enact legislation.

The current authorized historic preservation programs operate as a federal-state partnership and were created so that States play a key role in the implementation and delivery of our country’s historic preservation programs. NCSHPO is concerned that the proposed legislation would formally reduce the States role and unnecessarily create geographic bias and a “have/have not” funding divide between the States. The Save America’s Treasures and Preserve America programs have been operating for years under executive order. We see little reason to act hastily as several months from now renowned government, private, and non-profit experts of historic preservation will be making their recommendations to improve the national program. These recommendations may or may not include codification of the proposed legislation or may recommend a complete restructuring of the national programs. We don’t know, but for the sake of responsible government the Conference believes we should first find out.

Technical Concerns of Proposed Legislation

Finally, as currently written NCSHPO has several technical concerns with the proposed legislation. The multiple-agency involvement in program administration seems redundant. Additionally, NCSHPO is concerned over the appropriateness of including grant criteria in federal legislation. Over time the appropriateness of the eligible projects may change and rather than having Congress amend statute, the cognizant should have the authority.

Conclusion

The national historic preservation program is an outstanding example of federalism with the National Historic Preservation Act setting the policy and the states—through the SHPOs—administering the program which has flourished for the past 42 years. NCSHPO supports the activities carried out through Preserve America and Save Americas Treasures and supports a more effective partnership with the states.

Thank You.

ⁱ National Park Service, “40 Years The Historic Preservation Fund Annual Report 2007,” Washington, 2008.

ⁱⁱ Office of Management and Budget, DETAILED INFORMATION ON THE NATIONAL PARK SERVICE - NATIONAL HISTORIC PRESERVATION ASSESSMENT, 2003, expectmore.gov and NAPA, “BACK TO THE FUTURE: A Review of the National Historic Preservation Programs” December 2007, p. 29

ⁱⁱⁱ The Preserve America Summit Executive Summary, August 2007, p.18.