

108TH CONGRESS  
1ST SESSION

# H. R. 1762

To amend title 38, United States Code, to provide for preservation and protection of historic buildings under the jurisdiction of the Secretary of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. TURNER of Ohio introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 38, United States Code, to provide for preservation and protection of historic buildings under the jurisdiction of the Secretary of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans National  
5 Heritage Preservation Act of 2003”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to provide for the preserva-  
3 tion and protection of the most historically significant  
4 buildings of the Department of Veterans Affairs, to pro-  
5 vide for the documentation and appreciation of the historic  
6 significance of those buildings, and to increase public un-  
7 derstanding of the Nation's long commitment to honoring  
8 veterans.

9 **SEC. 3. FINDINGS.**

10 The Congress finds the following:

11 (1) One of the last Acts signed by President  
12 Lincoln before his assassination in 1865 established  
13 the National Asylum for disabled volunteer soldiers  
14 and sailors of the Civil War (renamed the National  
15 Home for Disabled Volunteer Soldiers in 1873 and  
16 often referred to as the National Military Home).

17 (2) The National Home eventually expanded to  
18 comprise ten branches and one sanatorium in Togus,  
19 Maine (1866); Milwaukee, Wisconsin (1867); Day-  
20 ton, Ohio (1867); Hampton, Virginia (1870); Leav-  
21 enworth, Kansas (1885); Santa Monica, California  
22 (1888); Marion, Indiana (1888); Danville, Illinois  
23 (1898); Johnson City, Tennessee (1901); Hot  
24 Springs, South Dakota (1902); and Bath, New York  
25 (1929).

1           (3) Until it was combined with the Veterans  
2 Bureau to become the United States Veterans Ad-  
3 ministration in 1930, the National Home cared for  
4 more than 100,000 Civil War and other veterans,  
5 many of whom were shattered physically and spir-  
6 itually from the carnage of war.

7           (4) The National Home evolved into complete  
8 planned communities with barracks, mess halls, gate  
9 houses, chapels, schools, hotels, libraries, band  
10 stands, amusements halls, theaters, shops, and other  
11 structures, many of which still stand, and include  
12 outstanding examples of 19th and early 20th cen-  
13 tury architecture.

14           (5) The National Home is an important part of  
15 the Nation's history, representing many historical  
16 developments, including the Nation's first non-reli-  
17 gious planned communities, the first Federal effort  
18 to establish large-scale rehabilitation programs, a  
19 significant expansion of Federal benefits to citizen-  
20 veterans, a landmark in the development of Federal  
21 responsibility for the social safety net, and the first  
22 permanent churches constructed by the Federal Gov-  
23 ernment.

24           (6) The branches of the National Home made  
25 significant contributions to the history, identity, and

1 culture of the communities in which they are lo-  
2 cated.

3 (7) The Department of Veterans Affairs has ju-  
4 risdiction over about 1,680 historic buildings in  
5 nearly every State of the Union.

6 (8) Preservation of historic buildings under the  
7 jurisdiction of the Department of Veterans Affairs  
8 contributes to the heritage of all Americans and rep-  
9 resents a powerful symbol of the national debt to the  
10 Nation's war veterans.

11 (9) Partnerships between the Department of  
12 Veterans Affairs, other Federal agencies, and State  
13 and local governments and nonprofit organizations  
14 have the potential to help restore, maintain, inter-  
15 pret, and reuse the historic buildings under the ju-  
16 risdiction of the Department of Veterans Affairs.

17 (10) The veterans service organizations  
18 AMVETS, Disabled American Veterans, Paralyzed  
19 Veterans of America, and Veterans of Foreign Wars  
20 jointly support establishing historic preservation as a  
21 responsibility of the Department of Veterans Affairs,  
22 systematically preserving the Department's most im-  
23 portant historic buildings, and reducing legal, ad-  
24 ministrative, and financial barriers to adaptive reuse  
25 of historic properties by local communities.

1           (11) More than 100 historic buildings under the  
2 jurisdiction of the Department of Veterans Affairs,  
3 including the Nation’s first permanent church build-  
4 ing constructed by the Federal Government, are un-  
5 derutilized or vacant and are threatened with dete-  
6 rioration and demolition.

7           (12) Providing for the Department of Veterans  
8 Affairs’ historic preservation requirements in no way  
9 need diminish funding for the Department’s other  
10 missions and is fully consistent with the Depart-  
11 ment’s broader goal of honoring and caring for the  
12 Nation’s veterans.

13 **TITLE I—PRESERVATION OF HIS-**  
14 **TORIC FACILITIES OF THE**  
15 **DEPARTMENT OF VETERANS**  
16 **AFFAIRS**

17 **SEC. 101. DEFINITION.**

18           Section 101 of title 38, United States Code, is  
19 amended by adding at the end the following new para-  
20 graph:

21           “(34) The term ‘historic building’ means a building  
22 listed on, or eligible for listing on, the National Register  
23 of Historic Places.”.

1 **SEC. 102. MISSIONS OF THE DEPARTMENT TO INCLUDE HIS-**  
2 **TORIC PRESERVATION.**

3 (a) IN GENERAL.—Chapter 1 of title 38, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 117. Historic Preservation mission**

7 “(a) It is a mission and responsibility of the Depart-  
8 ment to maintain its most significant historic buildings  
9 and to preserve them for future generations.

10 “(b) It is the sense of Congress that, in keeping with  
11 the mission of the Department specified in subsection  
12 (a)—

13 “(1) wherever practical, the historic buildings of  
14 the Department should be preserved, protected, re-  
15 stored, interpreted, reused, and maintained as a liv-  
16 ing memorial to the contributions of veterans to the  
17 Nation;

18 “(2) the director of each major Department fa-  
19 cility that is listed on, or eligible for listing on, the  
20 National Register of Historic Places should—

21 “(A) make available to the cultural re-  
22 sources management officer of that facility suf-  
23 ficient resources to document, conserve, and  
24 display items of historical significance and as-  
25 sist with the preservation of the history of the  
26 facility; and

1           “(B) provide that officer with appropriate  
2 information and sufficient training, appropriate  
3 publications, authority, and total access to  
4 budgetary, management, and decision making  
5 processes to permit effective coordination of its  
6 cultural resource management plan;

7           “(3) whenever feasible, the Secretary should re-  
8 store and use historic buildings, rather than carry  
9 out new construction, for Department purposes;

10           “(4) the Secretary should make greater use of  
11 the leasing authority for historic buildings that is  
12 provided for Federal agencies under section 111 of  
13 the National Historic Preservation Act (16 U.S.C.  
14 470h-3);

15           “(5) the Secretary should reduce barriers to  
16 reuse of historic buildings by non-Department pri-  
17 vate and public organizations if such reuse would en-  
18 hance historic preservation of those buildings;

19           “(6) the Secretary should work with the Sec-  
20 retary of the Interior to coordinate historic preserva-  
21 tion activities of the Department; and

22           “(7) the Secretary should form a partnership  
23 with the National Trust for Historic Preservation,  
24 within the context of the Capital Asset Realignment  
25 for Enhancement of Services (CARES) process of

1 the Department, to ensure the appropriate, lawful,  
2 and financially prudent management of the Depart-  
3 ment’s historic properties, similar to the partnership  
4 formed between the Department of the Army and  
5 the Trust.”.

6 (b) CLERICAL AMENDMENT.—The table of sections  
7 at the beginning of such chapter is amended by adding  
8 at the end the following new item:

“117. Historic preservation mission.”.

9 **SEC. 103. OFFICE OF HISTORIC PRESERVATION.**

10 (a) IN GENERAL.—Chapter 3 of title 38, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing new section:

13 **“§ 320. Office of Historic Preservation**

14 “(a) There is in the Department an Office of Historic  
15 Preservation within the Office of the Secretary or other-  
16 wise at a sufficiently high level within the departmental  
17 organization to ensure adequate communication with all  
18 relevant divisions within the Department. There shall be  
19 at the head of the Office a Director.

20 “(b) The Director shall administer the Veterans Her-  
21 itage Preservation Fund established under section 8701  
22 of this title.

23 “(c) The Director shall develop procedures to ensure  
24 that decisions within the Department that affect or may  
25 affect historic buildings, properties, and cultural resources

1 of the Department are made in accordance with Depart-  
2 ment directives and applicable laws and regulations.

3 “(d) The Director shall ensure that the head of each  
4 Department facility that is listed on, or eligible for listing  
5 on, the National Register of Historic Places and the head  
6 of each regional office and each major program manager  
7 of the Department designates a cultural resource manage-  
8 ment officer with training in historic preservation and  
9 compliance with the National Historic Preservation Act  
10 (40 U.S.C. 470 et seq.).

11 “(e) The Director shall review Department activities,  
12 policies, and procedures that might affect historic build-  
13 ings, properties, and cultural resources, including review  
14 of initiatives through the Capital Asset Realignment for  
15 Enhancement of Services (CARES) program of the De-  
16 partment.

17 “(f) The Director shall maintain a comprehensive in-  
18 ventory of the Department’s historic buildings, properties,  
19 and cultural resources and shall forward to the Secretary  
20 of the Interior nominations of such buildings, properties,  
21 and cultural resources for inclusion in the National Reg-  
22 ister of Historic Places.

23 “(g) The Director shall assure the Department’s  
24 compliance with section 106 of the National Historic Pres-  
25 ervation Act of 1966 (16 U.S.C. 470f).”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by adding  
 3 at the end the following new item:

“320. Office of Historic Preservation.”.

4 **SEC. 104. VETERANS HERITAGE PRESERVATION.**

5 (a) IN GENERAL.—(1) Part IV of title 38, United  
 6 States Code, is amended by adding at the end the fol-  
 7 lowing new chapter:

8 **“CHAPTER 87—HISTORIC PRESERVATION**

“8701. Veterans Heritage Preservation Fund.

“8702. Public-private partnerships.

9 **“§ 8701. Veterans Heritage Preservation Fund**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-  
 11 lish a fund to be known as the ‘Veterans Heritage Preser-  
 12 vation Fund’. The Director of the Office of Historic Pres-  
 13 ervation, in consultation with the Department’s facility di-  
 14 rectors, shall make recommendations to the Secretary on  
 15 the use of the assets of the fund. In making such rec-  
 16 ommendations, the Director shall take into consideration  
 17 the priority order ranking specified in the report under  
 18 section 106 of the Veterans National Preservation Herit-  
 19 age Act of 2003.

20 “(b) USES OF FUND.—The Secretary may use bal-  
 21 ances in the fund to—

22 “(1) evaluate, stabilize, preserve, renovate, and  
 23 restore historic buildings and properties owned by

1 the Department in conformity with applicable statu-  
2 tory and regulatory standards for historic preserva-  
3 tion;

4 “(2) assist in the maintenance and preservation  
5 of the Department’s historic artifacts and collec-  
6 tions; and

7 “(3) make grants to State and local govern-  
8 ments and non-profit organizations in connection  
9 with the adaptive reuse of historic buildings.

10 “(c) GRANT REQUIREMENTS.—(1) A grant under  
11 subsection (b)(3) may be used by the grant recipient for  
12 studies, planning, construction, management, marketing,  
13 interpretation, promoting cultural tourism, and oper-  
14 ations.

15 “(2) Such a grant may provide funds for not more  
16 than 75 percent of a project’s cost, with the remainder  
17 to be provided as a non-Federal match.

18 “(3) In selecting recipients for grants under sub-  
19 section (b)(3), the Secretary may establish a higher pri-  
20 ority for proposed projects that would benefit veterans, in-  
21 cluding homeless veterans, or that would honor the  
22 achievements of veterans.

23 “(d) INCOME FROM RENTAL PROPERTY.—Income or  
24 proceeds from the rental of historic properties at facilities  
25 of the Department, including quarters rented by Depart-

1 ment personnel or other persons, shall be credited to, and  
2 form a part of, the Fund. In allocating amounts to De-  
3 partment facilities under subsection (b)(1) that are de-  
4 rived from income or proceeds from rental property, the  
5 Secretary shall provide funds to those facilities based upon  
6 the amount of funds credited under the preceding sentence  
7 from properties at those facilities, subject to availability  
8 of approved projects for the use of such funds.

9 “(e) DONATIONS.—The Secretary is authorized to ac-  
10 cept donations for the purposes of the Fund. Any such  
11 amount shall be credited to, and form a part of, the Fund.

12 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
13 is authorized to be appropriated to the Veterans Heritage  
14 Preservation Fund for each fiscal year the amount of  
15 \$20,000,000.”.

16 **“§ 8702. Public-private partnerships**

17 “(a) COOPERATIVE AGREEMENTS.—The Secretary  
18 may enter into cooperative agreements and leases with  
19 State and local governments, nongovernmental organiza-  
20 tions, and the Secretary of the Interior for the purpose  
21 of restoring, rehabilitating, maintaining, interpreting, pro-  
22 moting, and marketing historic buildings.

23 “(b) DONATIONS.—The Secretary may accept dona-  
24 tions for the purpose of implementing a partnership under  
25 this section.

1       “(c) COLLABORATION WITH DEPARTMENT OF THE  
2 INTERIOR.—The Secretary may collaborate with, and  
3 enter into agreements with, the Secretary of the Interior  
4 and Interior-related agencies, including units of the Na-  
5 tional Park Service and Federally-designated national her-  
6 itage areas, for the purposes of this chapter.”.

7 **SEC. 105. ENHANCED-USE LEASES.**

8       Section 8162(a) of title 38, United States Code, is  
9 amended by adding at the end the following new para-  
10 graph:

11       “(5) In light of the statement in section 117(a) of  
12 this title that it is a mission and responsibility of the De-  
13 partment to maintain its most significant historic build-  
14 ings and to preserve them for future generations, historic  
15 preservation shall be considered to be a Department mis-  
16 sion for the purposes of paragraph (2)(A)(i) and any pro-  
17 posed enhanced-use lease that includes or incorporates  
18 preservation and restoration of the building proposed to  
19 be leased shall be considered to be a veterans related pur-  
20 pose lease for purpose of priorities for the awarding of  
21 leases under this section.”.

22 **SEC. 106. PRESERVATION STUDY AND REPORT.**

23       (a) STUDY AND REPORT.—The Secretary of Veterans  
24 Affairs shall conduct a study of the historic buildings of  
25 the Department of Veterans Affairs and, not later than

1 February 1, 2005, shall submit to the Committees on Vet-  
2 erans' Affairs of the Senate and House of Representatives  
3 a report on the results of that study.

4 (b) CONTENTS OF REPORT.—The report under sub-  
5 section (a) shall include the following:

6 (1) A detailed inventory of historic buildings  
7 and sites under the jurisdiction of the Department  
8 of Veterans Affairs, together with a description of  
9 the historical significance of each such building or  
10 site.

11 (2) Identification of the most important historic  
12 buildings and sites named under paragraph (1) and,  
13 for each such building or site—

14 (A) a description of potential threats to the  
15 preservation of the building or site;

16 (B) a cost analysis for restoration of the  
17 building or site; and

18 (C) a comprehensive structural engineering  
19 analysis of the building or site.

20 (3) Ranking of the priority order of such build-  
21 ings and sites for restoration, taking into consider-  
22 ation historical significance, reuse potential, preser-  
23 vation threat, and organized community support.

24 (4) An action plan for the stabilization and  
25 preservation of the buildings and sites identified

1 under paragraph (2) that the Secretary determines  
2 to be the most threatened.

3 (c) CONSULTATION.—In preparing the report under  
4 subsection (a), the Secretary shall consult with the Sec-  
5 retary of the Interior and with State and local govern-  
6 mental agencies and appropriate local private non-profit  
7 organizations in the communities of the historic buildings.

8 (d) DEFINITION.—For purposes of this section, the  
9 term “historic building” means a building listed on, or eli-  
10 gible for listing on, the National Register of Historic  
11 Places.

## 12 **TITLE II—NATIONAL HISTORIC** 13 **LANDMARK THEME STUDY**

### 14 **SEC. 201. AUTHORIZATION OF STUDY.**

15 (a) IN GENERAL.—The Secretary of the Interior, in  
16 consultation and cooperation with the Secretary of Vet-  
17 erans Affairs, shall conduct a National Historic Landmark  
18 theme study to identify sites, districts, buildings, struc-  
19 tures, and landscapes that best illustrate or commemorate  
20 key events at facilities managed by the National Home  
21 for Disabled Volunteer Soldiers and the United States  
22 Veterans Bureau between 1865 and 1930.

23 (b) SITES TO BE STUDIED.—The sites to be studied  
24 under this section are the branches of the former National

1 Home for Disabled Volunteer Soldiers and associated enti-  
2 ties at the following locations:

- 3 (1) Togus, Maine.
- 4 (2) Milwaukee, Wisconsin.
- 5 (3) Dayton, Ohio.
- 6 (4) Hampton, Virginia.
- 7 (5) Leavenworth, Kansas.
- 8 (6) Santa Monica, California.
- 9 (7) Marion, Illinois.
- 10 (8) Danville, Illinois.
- 11 (9) Johnston City, Tennessee.
- 12 (10) Hot Springs, South Dakota.
- 13 (11) Bath, New York.

14 (c) CRITERIA; NOMINATIONS.—In conducting the  
15 study under this section, the Secretary of the Interior shall  
16 use the criteria set forth in section 65.4 of title 36, Code  
17 of Federal Regulations, to identify, in order of importance  
18 or merit, potential National Historic Landmarks at the  
19 locations listed in subsection (b). The study shall include  
20 a nomination submittal for each potential National His-  
21 toric Landmark identified under this subsection that  
22 meets such criteria.

23 (d) EDUCATION AND RESEARCH.—The study shall—

1           (1) identify appropriate means to maximize op-  
2           portunities for public education on the National  
3           Home for Disabled Volunteer Soldiers; and

4           (2) recommend opportunities for cooperative ar-  
5           rangements with State and local governments, edu-  
6           cational institutions, local historical organizations,  
7           and other entities to preserve and interpret key cul-  
8           tural resources at or associated with the locations  
9           listed in subsection (b).

10          (e) COOPERATIVE AGREEMENTS.—The Secretary of  
11          the Interior may enter into cooperative agreements with  
12          one or more educational institutions, public history organi-  
13          zations, or veterans' organizations knowledgeable about  
14          the National Home for Disabled Volunteer Soldiers to pre-  
15          pare the study under subsection (a) and to ensure that  
16          the study meets scholarly standards.

17          (f) REPORT.—Not later than two years after the date  
18          on which funds are made available for the study under  
19          subsection (a), the Secretary of the Interior shall submit  
20          to the Committee on Energy and Natural Resources and  
21          the Committee on Veterans' Affairs of the Senate and the  
22          Committee on Resources and the Committee on Veterans'  
23          Affairs of the House of Representatives a report con-

- 1 taining the findings, conclusions, and recommendations of
- 2 the study.

