

EXHIBIT 16

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CULTURAL HERITAGE PARTNERS,
PLLC, et al.,**

Civil Action No. 1:25-cv-03969-DLF

Plaintiffs,

v.

**DECLARATION OF
JOHN M. FOWLER**

DONALD J. TRUMP, et al.,

Defendants.

DECLARATION OF JOHN M. FOWLER

I, John M. Fowler, under 28 U.S.C. § 1746 hereby declare:

1. My name is John M. Fowler. I am over the age of 18 and competent to testify. I have personal knowledge of the matters stated herein and could and would testify competently thereto if called as a witness.
2. I was employed at the Advisory Council on Historic Preservation (“ACHP”) for forty-nine (49) years, from 1972 to 2021. I served as Deputy Executive Director and General Counsel (1980-1997) and Executive Director (1997-2021).
3. ACHP is a federal agency whose mission is promoting preservation of America’s historic places. ACHP helps guide federal agencies in reviewing and addressing the effects of federal actions on historic properties. ACHP also advises the President and Congress on historic preservation policy and fosters public awareness of the benefits of historic preservation.
4. I am familiar with the 1994 Programmatic Agreement (“PA”) executed by the General Services Administration (“GSA”), the District of Columbia State Historic Preservation

Officer, and the ACHP that states that the Eisenhower Executive Office Building (“EEOB”), formerly known as the Old Executive Office Building, was exempt under section 107 of the National Historic Preservation Act (“NHPA”). *See* ECF No. 15-2.

5. Based on my knowledge, the section 107 exemption language in the PA was advanced by GSA without investigation by ACHP at the time due to the limited scope of the PA (*e.g.*, it applied only to standard maintenance and rehabilitation) and because GSA had well-established management processes and a record of exemplary stewardship of the EEOB consistent with the requirements of NHPA.
6. Upon recent review of historical documentation regarding the delineation of the White House and its grounds, I believe that the 1994 PA provision is erroneous and that the EEOB is not covered by the Section 107 exemption. It is my opinion that historical descriptions of the White House grounds and the absence of language in Section 107 specifying buildings other than the White House, unlike the provision for the Capitol and its related buildings, confirm this interpretation.
7. The proposed painting of the EEOB is a significant adverse effect in changing a defining characteristic of a National Historic Landmark (“NHL”) and introducing paint to the exterior will lead to the deterioration of the historic fabric of the building and its setting.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 2 December 2025, in Washington, D.C.



JOHN M. FOWLER