

## Calendar No. 652

110TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
110-300

### CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2008

APRIL 10, 2008.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

## R E P O R T

[To accompany S. 1921]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1921) to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil War Battlefield Preservation Act of 2008”.

#### SEC. 2. AUTHORIZATION EXTENDED.

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

- (1) in subsection (d)(7)(A), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and
- (2) by striking subsection (e).

## PURPOSE

The purpose of S. 1921 is to reauthorize the American Battlefield Protection Act for an additional five years, from 2008 until 2013.

## BACKGROUND AND NEED

The American Battlefield Protection Program was authorized in 1996 to provide funding for preservation of threatened Civil War battlefields. The program leverages Federal appropriations by requiring matching non-Federal funds. The battlefield protection grants are administered as part of the American Battlefield Protec-

tion Program within the National Park Service. The program is designed to provide assistance for protection of battlefields which are not part of the National Park System.

Since 1999, over \$33 million has been appropriated for the program, resulting in the protection of over 14,000 acres of endangered battlefields. As presently authorized, the program will expire in 2008. S. 1921 extends the authorization for an additional five years, through 2013.

#### LEGISLATIVE HISTORY

S. 1921 was introduced by Senator Webb and others on August 1, 2007. The Subcommittee on National Parks held a hearing on the bill on November 8, 2007. (S. Hrg. 110-282.) At its business meeting on January 30, 2008, the Committee on Energy and Natural Resources ordered S. 1921 favorably reported with an amendment in the nature of a substitute.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on January 30, 2008, by a voice vote of a quorum present, recommends that the Senate pass S. 1921, if amended as described herein.

#### COMMITTEE AMENDMENT

During its consideration of S. 1921, the Committee adopted an amendment in the nature of a substitute. The amendment deleted the findings section in the bill as introduced and deleted a provision in the underlying law that would have repealed the program as of September 30, 2008.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* contains the short title, the “Civil War Battlefield Preservation Act of 2008.”

*Section 2* amends section 604 of Public Law 104-333, the American Battlefield Protection Act of 1996 (16 U.S.C. 469k), to extend the authorization for the American Battlefield Protection program through fiscal year 2013. The section also deletes section 604(e) of that Act, which would have repealed the program as of September 30, 2008.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

##### *S. 1921—Civil War Battlefield Preservation Act of 2007*

Summary: S. 1921 would reauthorize funding for battlefield preservation grants made under the Civil War Preservation Act of 2002. Assuming appropriation of the authorized amounts, CBO estimates that the National Park Service (NPS) would spend \$42 million over the 2009–2013 period to carry out this grant program. The legislation would not affect direct spending or revenues.

S. 1921 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1921 is shown in the following table. The cost of this legislation falls within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level <sup>a</sup> .....	10	10	10	10	10
Estimated Outlays .....	5	7	10	10	10

<sup>a</sup> For fiscal year 2008, about \$3 million was appropriated for battlefield preservation grants.

Basis of estimate: For this estimate, CBO assumes that the entire amounts authorized by the bill will be appropriated for each fiscal year. Outlay estimates are based on recent spending patterns for this program.

The bill would authorize appropriations through 2013 for battlefield preservation grants at the existing authorization level of \$10 million per year. (That authorization will expire at the end of fiscal year 2008.) The NPS uses those grants primarily to support local preservation efforts at Civil War battlefields.

Intergovernmental and private-sector impact: S. 1921 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state and local governments that receive grants through this program.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Burke Doherty; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1921. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1921, as ordered reported.

#### CONGRESSIONALLY DIRECTED SPENDING

S. 1921, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the November 8, 2007 subcommittee hearing on S. 1921 follows:

STATEMENT OF KATHERINE H. STEVENSON, ACTING ASSISTANT DIRECTOR, BUSSING SERVICES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S. 1921, a bill to amend the American Battlefield Protection Act of 1996 and extend the authorization for that act, and other purposes.

The Department supports enactment of this bill.

S. 1921 would extend the authorization from fiscal years September 30, 2009 through September 30, 2013 for battlefield preservation grants under the Civil War Battlefield Preservation Act of 2002. The purpose of this act is to: (1) To protect battlefields and sites associated with armed conflicts that influenced the course of our history, (2) to encourage and assist all Americans in planning for the preservation, management, and interpretation of these sites, and (3) to raise the importance of preserving battlefields and related sites for future generations, through the upcoming sesquicentennial commemoration of the Civil War, 2011–2015.

AMERICAN BATTLEFIELD PROTECTION PROGRAM

The National Park Service's American Battlefield Protection Program (ABPP) is a small, cost-effective program that promotes the preservation of battlefields and related sites of all wars on American soil through "planning and partnerships." The ABPP promotes battlefield preservation strategies for protecting sites of armed conflict that cannot or should not be preserved by federal ownership, but must nonetheless be saved in order for future generations of Americans to understand the importance of these irreplaceable sites.

In order to achieve these goals, the ABPP provides a range of financial and technical assistance to Federal, State, and local partners on issues of battlefield landscape identification, documentation, planning, interpretation, and economic development. The program encourages states, communities, non-profit organizations, and individual citizens to become the stewards of battlefields. By empowering local communities and private landowners to make the best decisions possible, the ABPP enables these communities and owners to develop local solutions for balanced preservation approaches.

The ABPP provides yearly battlefield preservation project grants to assist communities and organizations striving to save our battlefields. The project grants have helped States, Tribes, and local communities identify and document historic battlefield resources, nominate historic battlefields to the National Register of Historic Places, plan for resource stewardship and conservation, interpret the battlefields for the visiting public, and develop heritage tourism programs that encourage battlefield preservation.

Over the life of the program, ABPP has awarded 329 project grants totaling over \$7.7 million to organizations in 37 States, the District of Columbia, and the Republic of Palau.

#### ACQUISITION GRANTS

In 2002, P.L. 107–359, the Civil War Battlefield Protection Act, amended the original ABPP authorization to establish the battlefield acquisition grant program. It directed the Secretary to submit to Congress a report on updates of the battlefield preservation activities, and authorized appropriations to the Secretary from the Land and Water Conservation Fund for each fiscal year 2004–2008. These grants help State and local governments acquire Civil War battlefield lands outside of the legislative boundaries of units of the National Park System. In order to be eligible to receive these grants, Congress established the following three requirements: (1) The battlefield must be among the 384 identified by the Civil War Sites Advisory Commission; (2) the land to be acquired must not be within the exterior boundaries of any unit of the National Park System; and (3) any land acquired with the assistance of the grant program may not be subsequently converted to a non-conservation use without the prior written permission of the Secretary of the Interior. In addition, the ABPP set two additional requirements: (1) Any grant awarded must be supported by an appraisal of the property's value in accordance with federal standards for property appraisals; and (2) any land acquired with the assistance of the grant program must be protected by a perpetual easement sufficient to protect the significant above-ground features of the battlefield landscape as well as the battlefield's archeological resources.

The grant fund has been tremendously successful in allowing local preservation efforts to permanently preserve Civil War battlefield land with a minimum of federal assistance. Grants of \$26.3 million from ABPP have leveraged a total of \$52 million in nonfederal funding. To date, the grant program has assisted in the permanent protection of 15,705 acres at 72 Civil War battlefields.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or other committee members may have regarding this bill.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1921 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## Public Law 104–333

(Approved November 12, 1996; 110 Stat. 4093)

AN ACT To provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer, and for other purposes

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

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

This Act may be cited as the “Omnibus Parks and Public Lands Management Act of 1996”.

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## TITLE VI—CIVIL AND REVOLUTIONARY WAR SITES

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**SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “American Battlefield Protection Act of 1996”.

\* \* \* \* \*

(d) **BATTLEFIELD ACQUISITION GRANT PROGRAM.**—

\* \* \* \* \*

(7) **AUTHORIZATION OF APPROPRIATIONS.**—

(A) **IN GENERAL.**—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection \$10,000,000 for each of **[fiscal years 2004 through 2008]** *fiscal years 2009 through 2013*.

(B) **UPDATE OF BATTLEFIELD REPORT.**—There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.

**[(e) REPEAL.**—

(1) **IN GENERAL.**—This section is repealed on September 30, 2008.

(2) **NO EFFECT ON GENERAL AUTHORITY.**—The Secretary may continue to conduct battlefield studies and provide battlefield acquisition grants in accordance with other authorities available to the Secretary.

(3) **UNOBLIGATED FUNDS.**—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.]