

## PRESERVING AMERICA'S BATTLEFIELDS ACT

NOVEMBER 20, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

### R E P O R T

[To accompany H.R. 6108]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6108) to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 6108 is to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War.

#### BACKGROUND AND NEED FOR LEGISLATION

The American Battlefield Protection Program was created by the Secretary of the Interior in 1991 to promote the preservation of significant historic American battlefields, and was officially authorized by Congress in 1996.<sup>1</sup> The program focuses on land use, cultural resources and site management planning, and public education by providing professional consultation to individuals, groups,

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<sup>1</sup>National Park Service. "About Us." American Battlefield Protection Program. <https://www.nps.gov/abpp/aboutus.htm>.

and governments interested in preserving historic battlefields.<sup>2</sup> In addition to professional assistance, the program awards grants to non-profits, local governments, and States looking to purchase battlefield land. These grants encourage private sector and State investment in battlefield preservation.

As part of the larger program, the Battlefield Land Acquisition Grant Program helps States and communities acquire and protect historic battlefields. Although originally only available to protect Civil War sites, in 2014 it was expanded to include battlefields from the American Revolution and War of 1812.<sup>3</sup> Since 1998, grant funds have been used to purchase and preserve over 30,000 acres of battlefield, including lands at 75 Civil War battlefields in 16 different States.<sup>4 5</sup> Among the battlefields that grant funds have been used to preserve are Antietam, Gettysburg, and Shiloh.<sup>6</sup>

Grants are awarded through a competitive process and require a dollar-for-dollar non-federal match. Funds for grants are derived from the Land and Water Conservation Fund.<sup>7 8</sup> Currently, funding for the acquisition grant program is capped at \$10 million each fiscal year (FY), with appropriations authorized through FY 2021.

H.R. 6108 would reauthorize the grant program through FY 2028 and increase the authorization of appropriations to \$20 million each fiscal year.

#### COMMITTEE ACTION

H.R. 6108 was introduced on June 14, 2018, by Congressman Jody B. Hice (R-GA). The bill was referred to the Committee on Natural Resources and within the Committee, to the Subcommittee on Federal Lands. The Subcommittee held a hearing on the bill on September 6, 2018. On September 26, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of

<sup>2</sup> Ibid.

<sup>3</sup> National Park Service. "Battlefield Land Acquisition Grant Program." <https://www.nps.gov/subjects/battlefields/battlefield-land-acquisition-grant-program.htm>.

<sup>4</sup> Letter from the American Battlefield Trust to Chairman Rob Bishop dated July 11, 2018.

<sup>5</sup> National Park Service. "About Us." American Battlefield Protection Program. <https://www.nps.gov/abpp/aboutus.htm>.

<sup>6</sup> American Battlefield Trust. "A Legacy of Success" Support the Preserving America's Battlefields Act. <https://www.battlefields.org/preserve/speak-out/support-preserving-americas-battlefields-act>.

<sup>7</sup> National Park Service. "Battlefield Land Acquisition Grants." American Battlefield Protection Program. <https://www.nps.gov/abpp/grants/cwblaggrants.htm>.

<sup>8</sup> Public Law 88-587 <https://www.gpo.gov/fdsys/pkg/STATUTE-78/pdf/STATUTE-78-Pg897.pdf>.

the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 16, 2018.*

Hon. ROB BISHOP,  
*Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6108, the Preserving America's Battlefields Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 6108—Preserving America's Battlefields Act*

Summary: H.R. 6108 would authorize the appropriation of \$20 million annually through 2028 for the American Battlefield Protection Program, which is managed by the National Park Service (NPS). CBO estimates that implementing H.R. 6108 would cost \$70 million over the 2019–2023 period, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 6108 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6108 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 effect of H.R. 6108 is shown in the following table. The costs of the legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2019	2020	2021	2022	2023	2019– 2023
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level <sup>a</sup> .....	10	10	10	20	20	70
Estimated Outlays .....	10	10	10	20	20	70

<sup>a</sup> H.R. 6108 would authorize the appropriation of \$20 million annually through 2028. Current law authorizes the appropriation of \$10 million annually through 2021. As a result, CBO estimates that H.R. 6108 would increase the authorized appropriation by \$10 million each year over the 2019–2021 period.

Basis of estimate: For this estimate, CBO assumes the bill will be enacted near the start of 2019 and that the authorized amounts will be appropriated in each year.

H.R. 6108 would authorize the appropriation of \$20 million annually through 2028 for land acquisition grants under the American Battlefield Protection Program. Under that program, the NPS

provides grants to states to acquire battlefield lands from the Revolutionary War, the War of 1812, and the Civil War. In 2018, the NPS received an appropriation of \$10 million for those purposes.

Current law authorizes the appropriation of \$10 million annually through 2021 for the program; therefore, H.R. 6108 would increase that authorization by \$10 million through 2021; from 2022 through 2028, the bill would authorize the appropriation of \$20 million each year. Based on historical spending patterns for similar activities, CBO estimates that implementing H.R. 6108 would cost \$70 million over the 2019–2023 period and \$100 million after 2023.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 6108 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 6108 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Janani Shankaran; Mandates: Zachary Byrum.

Estimate reviewed by: Kim P. Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002**

\* \* \* \* \*

**[(SEC. 2. FINDINGS AND PURPOSES.**

[(a) FINDINGS.—Congress finds the following:

[(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

[(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields—

[(A) almost 20 percent are lost or fragmented;

[(B) 17 percent are in poor condition; and

[(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

[(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.]

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) *Battlefields of the American Revolution, War of 1812 and the Civil War—*

(A) *provide a means for the people of the United States to understand our Nation's turbulent first century;*

(B) *serve as living memorials to those who fought and sacrificed in these conflicts to establish and maintain our freedom and liberty;*

(C) *serve as training grounds for our Nation's Armed Forces; and*

(D) *serve as heritage tourism destinations, generating revenue for local economies.*

(2) *According to the Report on the Nation's Civil War Battlefields, prepared by the National Park Service and updated in 2010, of the 383 Civil War battlefields identified as national preservation priorities—*

(A) *only at 31 battlefields is more than half of the surviving landscape permanently protected;*

(B) at 227 battlefields, less than half of the surviving landscape is permanently protected;

(C) 65 battlefields have no protection at all; and

(D) 113 battlefields have been severely hampered by development since the Civil War or are on the verge of being overwhelmed.

(3) According to the 2007 Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States, prepared by the National Park Service, of the 243 principal Revolutionary War and War of 1812 battlefields identified as national preservation priorities—

(A) almost 70 percent lie within urban areas as denoted in the 2000 U.S. Census;

(B) 141 are lost or extremely fragmented, with residential and commercial development being the chief threats;

(C) 100 other battlefields retain significant features and lands from the period of battle, although on average these battlefields retain only 37 percent of the original historic scene;

(D) of these 100 surviving but diminished battle landscapes, 82 are partially owned and protected by public and nonprofit stewards, although the extent of that protection varies from site to site;

(E) 18 are without any legal protection;

(F) the condition of two battlefields is unknown, with additional research and survey being required to determine their exact location and condition; and

(G) the paucity of existing battlefield landscapes necessitates preservation and maintenance of what precious little remains today.

(b) PURPOSES.—The purposes of this Act are—

(1) to act quickly and proactively to preserve and protect nationally significant battlefields of the American Revolution, War of 1812, and Civil War through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War.

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**TITLE 54, UNITED STATES CODE**

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**SUBTITLE III—NATIONAL PRESERVATION PROGRAMS**

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**CHAPTER 3081—AMERICAN BATTLEFIELD PROTECTION PROGRAM**

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**§ 308103. Battlefield acquisition grant program**

(a) DEFINITION.—In this section, the term “eligible site” means a site—

(1) that is not within the exterior boundaries of a System unit; and

(2) that is identified in the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to State and local governments to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—A State or local government may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 200305(f)(3) of this title.

[(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$10,000,000 for each of fiscal years 2012 and 2013.]

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$20,000,000 for each fiscal year through 2028, of which not more than 10 percent may be used each fiscal year as follows:*

*(1) Not more than \$1,000,000 for projects and programs that modernize battlefield interpretive and educational assets through the deployment of technology, disbursed through the competitive grant process to non-profit organizations.*

*(2) Not more than \$1,000,000 for grants to organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to be used for projects that restore day-of-battle conditions on land preserved through Battlefield Land Acquisition Grant Program funds.*

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