

PRESERVING AMERICA'S BATTLEFIELDS ACT

DECEMBER 8, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 307]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 307) 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, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 307 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 (ABPP) was created by the Secretary of the Interior in 1991, and officially authorized by Congress in 1996, to promote the preservation of significant historic American battlefields. The ABPP “focuses primarily on land use, cultural resource and site management planning, and public education”—enabling “current and future generations better understand the connection between military conflicts and important social and political changes that occurred in American his-

tory.”¹ The ABPP is administered by the National Park Service and comprises two competitive grant programs: the Battlefield Preservation Planning Grant Program and the Battlefield Land Acquisition Grant Program. These grant programs encourage private sector and state investment in battlefield preservation.

ABPP Battlefield Land Acquisition Grants help states and communities acquire and protect threatened historic battlefield land. Although the grants were originally limited to Civil War sites, the grant program was expanded in the 113th Congress to include battlefields from the American Revolution and War of 1812.² Since 1988, Battlefield Land Acquisition Grants have helped preserve land at more than 100 battlefields in nineteen states—protecting over 30,000 acres of battlefield land across the country.³ Antietam, Gettysburg, and Shiloh are just a few of the battlefields that have been preserved with grant funds.

Battlefield Land Acquisition Grants are awarded through a competitive process and require a dollar-for-dollar nonfederal match. Funding for grants is derived from the Land and Water Conservation Fund. Prior to H.R. 307, appropriations for the program were capped at \$10 million per fiscal year (FY) and authorized only through FY 2021.

H.R. 307, as reported, would have reauthorized the Battlefield Land Acquisition Grant Program through FY 2028 and increased the authorization to \$20 million per fiscal year. Increasing the funding cap enables state and local governments to acquire interests in eligible sites for their preservation and protection. Up to ten percent of that annual appropriation would have been made available for projects other than land acquisition, including up to \$1,000,000 available annually to nonprofits for programs that modernize battlefield interpretive and education programs through technology and up to \$1,000,000 available annually for grants to nonprofit organizations to restore sites to day-of-battle conditions.

On December 19, 2019, Congress passed H.R. 307, with modifications, as part of H.R. 1865. The president signed the bill into law on December 20, 2019.⁴ As enacted, the bill raised the Battlefield Land Acquisition Grant Program authorization from \$10 million to \$18 million through FY 2028. The enacted bill included a separate additional \$1 million authorization through FY 2028 for interpretation modernization grants to states, tribes, local governments, and nonprofits and a separate additional \$1 million annual authorization through FY 2028 for day-of-battle restoration grants to states, tribes, local governments, and nonprofits.

COMMITTEE ACTION

H.R. 307 was introduced on January 8, 2019, by Representative Jody Hice (R-GA). The bill was referred solely to the Committee

¹*American Battlefield Protection Program: What We Do*, NAT'L PARK SERV., <https://www.nps.gov/orgs/2287/whatwedo.htm> (last updated May 26, 2020).

²Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. No. 113–291, § 3050, 128 Stat. 3292, 3799 (2014), <https://uscode.house.gov/statviewer.htm?volume=128&page=3799>.

³See *What We Do*, *supra* note 1; *Tell Your Federal Legislators: Protect America's Battlefields!*, AM. BATTLEFIELD TRUST, <https://www.battlefields.org/preserve/speak-out/tell-your-federal-legislators-protect-americas-battlefields>.

⁴Further Consolidated Appropriations Act, 2020, Pub. L. No. 116–94, div. P, tit. VII, 133 Stat. 2534, 3195 (2019), <https://uscode.house.gov/statviewer.htm?volume=133&page=3195>.

on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On May 22, 2019, the Subcommittee held a hearing on the bill. On November 20, 2019, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by voice vote.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 307: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on May 22, 2019.

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 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, December 18, 2019.

Hon. RAÚL M. GRIJALVA,
*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. 307, 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 Sofia Guo.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 307, Preserving America's Battlefields Act			
As ordered reported by the House Committee on Natural Resources on November 20, 2019			
By Fiscal Year, Millions of Dollars	2020	2020-2024	2020-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) In the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	7	69	156
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 307 would authorize the appropriation of \$20 million annually through 2028 for the American Battlefield Protection Program (ABPP), which is managed by the National Park Service. The ABPP provides grants to state and local governments to share the cost of acquiring eligible battlefield sites for preservation and protection. Under current law, \$10 million is authorized to be appropriated each year through 2021. Thus, relative to current law, the bill would increase the authorized amount by \$10 million in 2020 and 2021. (In 2019, the Congress appropriated \$10 million for the ABPP.)

Assuming appropriation of the authorized amounts and based on historical spending patterns, CBO estimates that implementing H.R. 307 would cost \$69 million over the 2020–2024 period and \$91 million after 2024. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 307

	By fiscal year, millions of dollars—													
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2020– 2024	2020– 2029		
Authorization	10	10	20	20	20	20	20	20	20	0	80	160		
Estimated Outlays	7	9	16	18	19	20	20	20	20	7	69	156		

The CBO staff contact for this estimate is Sofia Guo. The estimate was reviewed by 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 goals and objectives of this bill are 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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

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. The Battlefield Land Acquisition Grants (CFDA No. 15.928) reauthorized by this bill is related and complementary to, but not duplicative of, the following program identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104: American Battlefield Protection (CFDA No. 15.926).

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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 italics, 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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SECTION 308103 OF TITLE 54, UNITED STATES CODE

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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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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

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