

Calendar No. 867

110TH CONGRESS
2D SESSION

H. R. 3981

IN THE SENATE OF THE UNITED STATES

JULY 9, 2008

Received; read twice and placed on the calendar

AN ACT

To authorize the Preserve America Program and Save America's Treasures Program, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Preserve America and Save America’s Treasures Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRESERVE AMERICA PROGRAM

Sec. 101. Purpose.

Sec. 102. Definitions.

Sec. 103. Establishment.

Sec. 104. Designation of Preserve America Communities.

Sec. 105. Regulations.

Sec. 106. Authorization of appropriations.

TITLE II—SAVE AMERICA’S TREASURES PROGRAM

Sec. 201. Purpose.

Sec. 202. Definitions.

Sec. 203. Establishment.

Sec. 204. Regulations.

Sec. 205. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Prohibition on funding certain activities.

6 **TITLE I—PRESERVE AMERICA**
7 **PROGRAM**

8 **SEC. 101. PURPOSE.**

9 The purpose of this title is to authorize the Preserve
10 America Program, including—

11 (1) the Preserve America grant program within
12 the Department of the Interior;

13 (2) the recognition programs administered by
14 the Advisory Council on Historic Preservation; and

15 (3) the related efforts of Federal agencies,
16 working in partnership with State, tribal, and local

1 governments and the private sector, to support and
2 promote the preservation of historic resources.

3 **SEC. 102. DEFINITIONS.**

4 In this title:

5 (1) COUNCIL.—The term “Council” means the
6 Advisory Council on Historic Preservation.

7 (2) HERITAGE TOURISM.—The term “heritage
8 tourism” means the conduct of activities to attract
9 and accommodate visitors to a site or area based on
10 the unique or special aspects of the history, land-
11 scape (including trail systems), and culture of the
12 site or area.

13 (3) PROGRAM.—The term “program” means
14 the Preserve America Program established under
15 section 103(a).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **SEC. 103. ESTABLISHMENT.**

19 (a) IN GENERAL.—There is established in the De-
20 partment of the Interior the Preserve America Program,
21 under which the Secretary, in partnership with the Coun-
22 cil, may provide competitive grants to States, local govern-
23 ments (including local governments in the process of ap-
24 plying for designation as Preserve America Communities
25 under section 104), Indian tribes, communities designated

1 as Preserve America Communities under section 104,
2 State historic preservation offices, and tribal historic pres-
3 ervation offices to support preservation efforts through
4 heritage tourism, education, and historic preservation
5 planning activities.

6 (b) ELIGIBLE PROJECTS.—

7 (1) IN GENERAL.—The following projects shall
8 be eligible for a grant under this title:

9 (A) A project for the conduct of—

10 (i) research on, and documentation of,
11 the history of a community; and

12 (ii) surveys of the historic resources of
13 a community.

14 (B) An education and interpretation
15 project that conveys the history of a community
16 or site.

17 (C) A planning project (other than build-
18 ing rehabilitation) that advances economic de-
19 velopment using heritage tourism and historic
20 preservation.

21 (D) A training project that provides oppor-
22 tunities for professional development in areas
23 that would aid a community in using and pro-
24 moting its historic resources.

1 (E) A project to support heritage tourism
2 in a Preserve America Community designated
3 under section 104.

4 (F) Other nonconstruction projects that
5 identify or promote historic properties or pro-
6 vide for the education of the public about his-
7 toric properties that are consistent with the
8 purposes of this Act.

9 (2) LIMITATION.—In providing grants under
10 this title, the Secretary shall only provide 1 grant to
11 each eligible project selected for a grant.

12 (c) PREFERENCE.—In providing grants under this
13 title, the Secretary may give preference to projects that
14 carry out the purposes of both the program and the Save
15 America’s Treasures Program.

16 (d) CONSULTATION AND NOTIFICATION.—

17 (1) CONSULTATION.—The Secretary shall con-
18 sult with the Council in preparing the list of projects
19 to be provided grants for a fiscal year under the pro-
20 gram.

21 (2) NOTIFICATION.—Not later than 30 days be-
22 fore the date on which the Secretary provides grants
23 for a fiscal year under the program, the Secretary
24 shall submit to the Committee on Energy and Nat-
25 ural Resources of the Senate, the Committee on Ap-

1 appropriations of the Senate, the Committee on Nat-
2 ural Resources of the House of Representatives, and
3 the Committee on Appropriations of the House of
4 Representatives a list of any eligible projects that
5 are to be provided grants under the program for the
6 fiscal year.

7 (e) COST-SHARING REQUIREMENT.—

8 (1) IN GENERAL.—The non-Federal share of
9 the cost of carrying out a project provided a grant
10 under this title shall be not less than 50 percent of
11 the total cost of the project.

12 (2) FORM OF NON-FEDERAL SHARE.—The non-
13 Federal share required under paragraph (1) shall be
14 in the form of—

15 (A) cash; or

16 (B) donated supplies and related services,
17 the value of which shall be determined by the
18 Secretary.

19 (3) REQUIREMENT.—The Secretary shall en-
20 sure that each applicant for a grant has the capacity
21 to secure, and a feasible plan for securing, the non-
22 Federal share for an eligible project required under
23 paragraph (1) before a grant is provided to the eligi-
24 ble project under the program.

1 **SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMU-**
2 **NITIES.**

3 (a) APPLICATION.—To be considered for designation
4 as a Preserve America Community, a community, tribal
5 area, or neighborhood shall submit to the Council an appli-
6 cation containing such information as the Council may re-
7 quire.

8 (b) CRITERIA.—To be designated as a Preserve
9 America Community under the program, a community,
10 tribal area, or neighborhood that submits an application
11 under subsection (a) shall, as determined by the Council,
12 in consultation with the Secretary, meet criteria required
13 by the Council and, in addition, consider—

14 (1) protection and celebration of the heritage of
15 the community, tribal area, or neighborhood;

16 (2) use of the historic assets of the community,
17 tribal area, or neighborhood for economic develop-
18 ment and community revitalization; and

19 (3) encouragement of people to experience and
20 appreciate local historic resources through education
21 and heritage tourism programs.

22 (c) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED
23 FOR HISTORIC PRESERVATION ACTIVITIES.—The Council
24 shall establish an expedited process for Preserve America
25 Community designation for local governments previously
26 certified for historic preservation activities under section

1 101(c)(1) of the National Historic Preservation Act (16
2 U.S.C. 470a(c)(1)).

3 (d) GUIDELINES.—The Council, in consultation with
4 the Secretary, shall establish any guidelines that are nec-
5 essary to carry out this section.

6 **SEC. 105. REGULATIONS.**

7 The Secretary shall develop any guidelines and issue
8 any regulations that the Secretary determines to be nec-
9 essary to carry out this title.

10 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this title \$25,000,000 for each of fiscal years 2009, 2010,
13 2011, 2012 and 2013, to remain available until expended.

14 **TITLE II—SAVE AMERICA’S**
15 **TREASURES PROGRAM**

16 **SEC. 201. PURPOSE.**

17 The purpose of this title is to authorize within the
18 Department of the Interior the Save America’s Treasures
19 Program, to be carried out by the Director of the National
20 Park Service, in partnership with—

- 21 (1) the National Endowment for the Arts;
22 (2) the National Endowment for the Human-
23 ities;
24 (3) the Institute of Museum and Library Serv-
25 ices;

1 (4) the National Trust for Historic Preserva-
2 tion;

3 (5) the National Conference of State Historic
4 Preservation Officers;

5 (6) the National Association of Tribal Historic
6 Preservation Officers; and

7 (7) the President’s Committee on the Arts and
8 the Humanities.

9 **SEC. 202. DEFINITIONS.**

10 In this title:

11 (1) **COLLECTION.**—The term “collection”
12 means a collection of intellectual and cultural arti-
13 facts, including documents, sculpture, and works of
14 art.

15 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
16 ty” means a Federal entity, State, local, or tribal
17 government, educational institution, or nonprofit or-
18 ganization.

19 (3) **HISTORIC PROPERTY.**—The term “historic
20 property” has the meaning given the term in section
21 301 of the National Historic Preservation Act (16
22 U.S.C. 470w).

23 (4) **NATIONALLY SIGNIFICANT.**—The term “na-
24 tionally significant” means a collection or historic
25 property that meets the applicable criteria for na-

1 tional significance, in accordance with regulations
2 promulgated by the Secretary pursuant to section
3 101(a)(2) of the National Historic Preservation Act
4 (16 U.S.C. 470a(a)(2)).

5 (5) PROGRAM.—The term “program” means
6 the Save America’s Treasures Program established
7 under section 203(a).

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior, acting through the Di-
10 rector of the National Park Service.

11 **SEC. 203. ESTABLISHMENT.**

12 (a) IN GENERAL.—There is established in the De-
13 partment of the Interior the Save America’s Treasures
14 program, under which the amounts made available to the
15 Secretary under section 205 shall be used by the Sec-
16 retary, in consultation with the organizations described in
17 section 201, subject to subsection (f)(1)(B), to provide
18 grants to eligible entities for projects to preserve nation-
19 ally significant collections and historic properties.

20 (b) DETERMINATION OF GRANTS.—Of the amounts
21 made available for grants under section 205, not less than
22 50 percent shall be made available for grants for projects
23 to preserve collections and historic properties, to be dis-
24 tributed through a competitive grant process administered

1 by the Secretary, subject to the eligibility criteria estab-
2 lished under subsection (e).

3 (c) APPLICATIONS FOR GRANTS.—To be considered
4 for a competitive grant under the program an eligible enti-
5 ty shall submit to the Secretary an application containing
6 such information as the Secretary may require.

7 (d) COLLECTIONS AND HISTORIC PROPERTIES ELI-
8 GIBLE FOR COMPETITIVE GRANTS.—

9 (1) IN GENERAL.—A collection or historic prop-
10 erty shall be provided a competitive grant under the
11 program only if the Secretary determines that the
12 collection or historic property is—

13 (A) nationally significant; and

14 (B) threatened or endangered.

15 (2) ELIGIBLE COLLECTIONS.—A determination
16 by the Secretary regarding the national significance
17 of collections under paragraph (1)(A) shall be made
18 in consultation with the organizations described in
19 section 201, as appropriate.

20 (3) ELIGIBLE HISTORIC PROPERTIES.—To be
21 eligible for a competitive grant under the program,
22 a historic property shall, as of the date of the grant
23 application—

1 (A) be listed in the National Register of
2 Historic Places at the national level of signifi-
3 cance; or

4 (B) be designated as a National Historic
5 Landmark.

6 (e) SELECTION CRITERIA FOR GRANTS.—

7 (1) IN GENERAL.—The Secretary shall not pro-
8 vide a grant under this title to a project for an eligi-
9 ble collection or historic property unless the
10 project—

11 (A) eliminates or substantially mitigates
12 the threat of destruction or deterioration of the
13 eligible collection or historic property;

14 (B) has a clear public benefit; and

15 (C) is able to be completed on schedule
16 and within the budget described in the grant
17 application.

18 (2) PREFERENCE.—In providing grants under
19 this title, the Secretary may give preference to
20 projects that carry out the purposes of both the pro-
21 gram and the Preserve America Program.

22 (3) LIMITATION.—In providing grants under
23 this title, the Secretary shall only provide 1 grant to
24 each eligible project selected for a grant.

1 (f) CONSULTATION AND NOTIFICATION BY SEC-
2 RETARY.—

3 (1) CONSULTATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the Secretary shall consult with the
6 organizations described in section 201 in pre-
7 paring the list of projects to be provided grants
8 for a fiscal year by the Secretary under the pro-
9 gram.

10 (B) LIMITATION.—If an entity described in
11 subparagraph (A) has submitted an application
12 for a grant under the program, the entity shall
13 be recused by the Secretary from the consulta-
14 tion requirements under that subparagraph and
15 subsection (a).

16 (2) NOTIFICATION.—Not later than 30 days be-
17 fore the date on which the Secretary provides grants
18 for a fiscal year under the program, the Secretary
19 shall submit to the Committee on Energy and Nat-
20 ural Resources of the Senate, the Committee on Ap-
21 propriations of the Senate, the Committee on Nat-
22 ural Resources of the House of Representatives, and
23 the Committee on Appropriations of the House of
24 Representatives a list of any eligible projects that

1 are to be provided grants under the program for the
2 fiscal year.

3 (g) COST-SHARING REQUIREMENT.—

4 (1) IN GENERAL.—The non-Federal share of
5 the cost of carrying out a project provided a grant
6 under this title shall be not less than 50 percent of
7 the total cost of the project.

8 (2) FORM OF NON-FEDERAL SHARE.—The non-
9 Federal share required under paragraph (1) shall be
10 in the form of—

11 (A) cash; or

12 (B) donated supplies or related services,
13 the value of which shall be determined by the
14 Secretary.

15 (3) REQUIREMENT.—The Secretary shall en-
16 sure that each applicant for a grant has the capacity
17 and a feasible plan for securing the non-Federal
18 share for an eligible project required under para-
19 graph (1) before a grant is provided to the eligible
20 project under the program.

21 **SEC. 204. REGULATIONS.**

22 The Secretary shall develop any guidelines and issue
23 any regulations that the Secretary determines to be nec-
24 essary to carry out this title.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this title \$50,000,000 for each fiscal year, to remain avail-
4 able until expended.

5 **TITLE III—GENERAL**
6 **PROVISIONS**

7 **SEC. 301. PROHIBITION ON FUNDING CERTAIN ACTIVITIES.**

8 None of the funds provided pursuant to this Act may
9 be used to study or establish a National Heritage Area
10 or fund a National Heritage Area management entity.

Passed the House of Representatives July 8, 2008.

Attest: LORRAINE C. MILLER,
Clerk.

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