

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2169

To promote the survival of significant cultural resources that have been identified as endangered and that represent important economic, social, and educational assets of the United States and the world, to permit United States professionals to participate in the planning and implementation of projects worldwide to protect the resources, and to educate the public concerning the importance of cultural heritage to the fabric of life in the United States and throughout the world, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 1996

Mr. PELL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To promote the survival of significant cultural resources that have been identified as endangered and that represent important economic, social, and educational assets of the United States and the world, to permit United States professionals to participate in the planning and implementation of projects worldwide to protect the resources, and to educate the public concerning the importance of cultural heritage to the fabric of life in the United States and throughout the world, 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.**

2 This Act may be cited as the “Endangered Cultural  
3 Heritage Act of 1996”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the cultural heritage of mankind—

7 (A) is of the utmost importance to the  
8 United States and the world;

9 (B) contains evidence of mankind’s com-  
10 mon human past; and

11 (C) is part of the economic, social, and  
12 educational foundation of society;

13 (2) with a growth of research concerning the  
14 vital quality of the cultural heritage of mankind has  
15 come the realization that many of the most signifi-  
16 cant cultural resources in the world are seriously en-  
17 dangered by a growing range of threats, including  
18 natural catastrophes, environmental deterioration,  
19 destructive acts of man, and the complex political  
20 and societal changes occurring in the world;

21 (3) a timely response is critical to prevent the  
22 loss of cultural heritage that is imminently endan-  
23 gered;

24 (4) sustained funding is needed to stabilize and  
25 strengthen the ability to protect cultural resources

1 on a national and international scale, consistently  
2 and on a long-term basis;

3 (5) funding will support a program through  
4 which professionals in the field of historic preserva-  
5 tion can obtain support on a short-term basis to ad-  
6 dress situations of immediate peril affecting impor-  
7 tant works that are in danger of loss in order to  
8 gain time to plan for long-term conservation of the  
9 works;

10 (6) the inauguration of the World Monuments  
11 Watch List of 100 Most Endangered Sites in 1996  
12 has made apparent the great need for additional  
13 support and protection for threatened cultural herit-  
14 age worldwide;

15 (7) conservation work funded as a result of this  
16 Act will result in both direct and indirect benefits to  
17 many communities by creating jobs, offering oppor-  
18 tunities for training in skilled trades, protecting re-  
19 sources that generate economic activity through  
20 tourism, and opening direct access to enriched edu-  
21 cational experiences;

22 (8) the American people share the responsibility  
23 of ensuring the survival of key cultural resources  
24 worldwide, since the resources, whether in the Unit-

1 ed States or abroad, represent a trust held in com-  
2 mon by all peoples in all communities; and

3 (9) participation in the preservation of cultural  
4 heritage, which is of common human concern, is an  
5 international act of good will.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATIVE AGENCY.—The term “ad-  
9 ministrative agency” means the agency designated  
10 or established by the Secretary under section 6(a).

11 (2) ENDANGERED SITE.—The term “endan-  
12 gered site” refers to a structure, a group of build-  
13 ings, a historic district, an archaeological zone, pub-  
14 lic art, or a cultural landscape that is in significant  
15 peril of being lost or seriously compromised as a re-  
16 sult of irreversible human or natural destruction.

17 (3) FUND.—The term “Fund” means the En-  
18 dangered Cultural Heritage Trust fund established  
19 by section 4.

20 (4) INSTITUTION OF HIGHER EDUCATION.—The  
21 term “institution of higher education” has the  
22 meaning given in section 1201(a) of the Higher  
23 Education Act of 1965 (20 U.S.C. 1141(a)).

24 (5) MATCHING BASIS.—The term “matching  
25 basis” means the condition to a grant award that

1 the award be supplemented by the recipient with  
2 equivalent financial support from other sources prior  
3 to release of funds by the Secretary.

4 (6) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Treasury.

6 **SEC. 4. ESTABLISHMENT OF THE ENDANGERED CULTURAL**  
7 **HERITAGE FUND.**

8 There is established in the Treasury of the United  
9 States a trust fund to be known as the “Endangered Cul-  
10 tural Heritage Fund” that shall consist of—

11 (1) amounts appropriated pursuant to section  
12 5; and

13 (2) interest and proceeds credited pursuant to  
14 section 8(c).

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Fund  
17 such sums as are necessary to carry out this Act.

18 **SEC. 6. PAYMENTS FROM THE FUND AND USES OF PAY-**  
19 **MENTS.**

20 (a) DESIGNATION OF ADMINISTRATIVE AGENCY.—  
21 The Secretary, in consultation with the Secretary of State  
22 and the Secretary of the Interior, shall designate or estab-  
23 lish a Federal agency to administer the Fund.

24 (b) AVAILABILITY FOR ADMINISTRATIVE AGENCY.—  
25 The interest on any obligations held in the Fund shall be

1 available, as provided in advance by an appropriations Act,  
2 for payment to the administrative agency for use in ac-  
3 cordance with this section.

4 (c) USE BY ADMINISTRATIVE AGENCY.—The admin-  
5 istrative agency shall administer funds provided under  
6 subsection (b) and direct the funds to the following to sup-  
7 port activities carried out by qualified United States and  
8 international organizations that have as a common pur-  
9 pose the preservation and protection of cultural resources  
10 that are significantly at risk:

11 (1) ENDANGERED CULTURAL RESOURCES IN  
12 THE UNITED STATES.—

13 (A) IN GENERAL.—The administrative  
14 agency shall provide funding awards, released  
15 incrementally and on a matching basis, to sup-  
16 port stabilization and conservation measures for  
17 endangered cultural resources in the United  
18 States.

19 (B) QUALIFICATIONS FOR AWARD.—An  
20 award under subparagraph (A) shall be made  
21 on a competitive basis to a governmental or  
22 nongovernmental entity that has demonstrated  
23 an ability to implement a conservation program  
24 in accordance with prescribed United States  
25 standards for conservation and rehabilitation,

1 as specified by the Secretary of the Interior in  
2 accordance with the National Historic Preserva-  
3 tion Act (16 U.S.C. 470 et seq.).

4 (C) QUALIFIED SITES.—A site that has  
5 been listed as endangered by the National  
6 Trust for Historic Preservation, the United  
7 States National Park Service, or the World  
8 Monuments Fund shall be qualified to receive  
9 an award under subparagraph (A).

10 (2) ENDANGERED CULTURAL RESOURCES OUT-  
11 SIDE THE UNITED STATES.—

12 (A) IN GENERAL.—The administrative  
13 agency shall provide funding awards, released  
14 on a matching basis, to support stabilization  
15 and conservation measures for endangered cul-  
16 tural resources outside the United States.

17 (B) QUALIFICATIONS FOR AWARD.—An  
18 award under subparagraph (A) shall be made  
19 on a competitive basis to a governmental or  
20 nongovernmental entity responsible for a site  
21 that has demonstrated an ability to implement  
22 a conservation program that will significantly  
23 advance the state of conservation of the endan-  
24 gered site.

1           (C) QUALIFIED SITES.—A site that has  
2           been listed as endangered by the World Monu-  
3           ments Fund or the World Heritage Center shall  
4           be qualified to receive an award under subpara-  
5           graph (A).

6           (3) GRANTS AND FELLOWSHIPS.—The adminis-  
7           trative agency shall provide grants or fellowships  
8           that engage—

9                   (A) United States professionals in historic  
10                  preservation; and

11                   (B) United States and foreign graduate-  
12                  level students in—

13                           (i) onsite conservation programs sup-  
14                           ported under this Act; and

15                           (ii) the development of plans to pro-  
16                           tect endangered cultural resources.

17           (4) PUBLIC EDUCATION.—The administrative  
18           agency shall support programs to educate and en-  
19           gage the public, including citizens, students, and  
20           school children, in a concern for the preservation of  
21           endangered cultural resources.

22           (5) SEMINARS AND CONFERENCES.—The ad-  
23           ministrative agency shall provide grants to qualified  
24           organizations to conduct seminars, conferences, and  
25           other similar workshops designed to facilitate col-

1       laboration and cooperation between the United  
2       States and foreign institutions, private specialists,  
3       and site managers in the conservation of endangered  
4       cultural resources.

5       (d) OTHER EXPENDITURES.—Not more than 10 per-  
6       cent of the funds made available under subsection (b) for  
7       any fiscal year may be used by the administrative agency  
8       to—

9               (1) award contracts for projects chosen for sup-  
10       port under subsection (c);

11              (2) disseminate information about the Fund  
12       and solicit proposals (which shall include cost-shar-  
13       ing provisions) from site managers, United States in-  
14       stitutions of higher education, and other qualified  
15       entities and persons to participate in the conserva-  
16       tion of qualifying sites and related programs; and

17              (3) prepare documentation about projects sup-  
18       ported under subsection (c) and disseminate the doc-  
19       umentation through publications and electronic  
20       media.

21       (e) EXPERT ADVISORS.—A project shall be selected  
22       for support under subsection (c) by a panel of expert advi-  
23       sors, including a representative of—

24              (1) the United States Committee of the Inter-  
25       national Council on Monuments and Sites;

1 (2) the National Park Service;

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

4 (4) the College Art Association; and

5 (5) the Advisory Council for Historic Preserva-  
6 tion.

7 (f) PAYMENTS.—

8 (1) TIME.—The administrative agency shall  
9 make an award authorized under this section as  
10 soon as practicable after approval of an application,  
11 pending the acquisition of any matching funds by  
12 the recipient of the award.

13 (2) FORM.—The administrative agency may  
14 make an award authorized under this section in in-  
15 stallments, in advance, or by way of reimbursement,  
16 and may make necessary adjustments on account of  
17 any overpayment or underpayment.

18 **SEC. 7. APPLICATIONS.**

19 (a) IN GENERAL.—The administrative agency shall  
20 prepare and submit an application to the Secretary once  
21 each fiscal year that—

22 (1) provides a description of the purposes for  
23 which any grant award will be used; and

24 (2) provides such fiscal control and such ac-  
25 counting procedures as are necessary—

1 (A) to ensure a proper accounting of grant  
2 awards paid to the applicant under this Act;  
3 and

4 (B) to ensure the verification of the costs  
5 of the continuing education program furnished  
6 by the grant recipient.

7 (b) EXPEDITIOUS APPROVAL.—The Secretary shall  
8 expeditiously approve any application that meets the re-  
9 quirements of this section.

10 **SEC. 8. MANAGEMENT OF THE FUND.**

11 (a) INVESTMENTS.—

12 (1) IN GENERAL.—The Secretary shall invest  
13 such portion of the Fund as is not, in the judgment  
14 of the Secretary, required to meet current withdraw-  
15 als.

16 (2) TYPES OF INVESTMENT.—Investments may  
17 be made only in interest-bearing obligations of the  
18 United States or in obligations guaranteed as to  
19 both principal and interest by the United States.

20 (3) ACQUISITION OF INVESTMENTS.—Obliga-  
21 tions may be acquired only—

22 (A) on original issue at the issue price; or

23 (B) by purchase of outstanding obligations  
24 at the market price.

25 (4) SPECIAL OBLIGATIONS.—

1           (A) IN GENERAL.—Notwithstanding chap-  
2           ter 31 of title 31, United States Code, the Sec-  
3           retary may issue special obligations at par ex-  
4           clusively to the Fund.

5           (B) INTEREST.—A special obligations shall  
6           bear interest at a rate equal to the average rate  
7           of interest, computed as of the end of the cal-  
8           endar month next preceding the date of the ob-  
9           ligation, borne by all marketable interest-bear-  
10          ing obligations of the United States then form-  
11          ing a part of the public debt, except that if the  
12          average rate is not a multiple of  $\frac{1}{8}$  percent, the  
13          rate of interest of the special obligation shall be  
14          the multiple of  $\frac{1}{8}$  percent next lower than the  
15          average rate.

16          (C) PUBLIC INTEREST.—Special obliga-  
17          tions shall be issued only if the Secretary deter-  
18          mines that the purchase of other interest-bear-  
19          ing obligations of the United States, or of obli-  
20          gations guaranteed as to both principal and in-  
21          terest by the United States on original issue or  
22          at the market price, is not in the public inter-  
23          est.

24          (b) SALE AND REDEMPTION.—

1           (1) IN GENERAL.—An obligation acquired by  
2           the Fund (except a special obligation issued under  
3           subsection (a)(4)) may be sold by the Secretary at  
4           market price.

5           (2) SPECIAL OBLIGATIONS.—A special obliga-  
6           tion issued under subsection (a)(4) may be redeemed  
7           at par plus accrued interest.

8           (c) PROCEEDS AND INTEREST.—The interest on, and  
9           the proceeds from the sale or redemption of, any obligation  
10          held in the Fund shall be credited to and form a part of  
11          the Fund.

12       **SEC. 9. REPORT.**

13          The administrative agency shall prepare and submit  
14          to the President and Congress at the end of every other  
15          fiscal year in which the administrative agency receives as-  
16          sistance under this Act a report on the activities of the  
17          administrative agency and such recommendations as the  
18          administrative agency considers advisable.

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