

Union Calendar No. 469

110TH CONGRESS
2D SESSION

H. R. 3981

[Report No. 110-738]

To authorize the Preserve America Program and Save America's Treasures Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2007

Mr. MILLER of North Carolina (for himself, Mr. TURNER, Mr. COLE of Oklahoma, Mrs. BOYDA of Kansas, Mr. LANGEVIN, Mr. BROWN of South Carolina, Mr. MORAN of Virginia, Ms. SLAUGHTER, Mrs. MALONEY of New York, Mr. HIGGINS, and Ms. MCCOLLUM of Minnesota) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 8, 2008

Additional sponsors: Mr. CHANDLER, Mr. NADLER, Mr. MITCHELL, Mr. ABERCROMBIE, Ms. HERSETH SANDLIN, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Ms. BORDALLO, Mr. FORBES, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. REYES, Mr. FARR, Ms. PRYCE of Ohio, Mr. REYNOLDS, Mr. MCINTYRE, Mr. WELCH of Vermont, Mrs. BLACKBURN, Mr. KENNEDY, Mr. SERRANO, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. CLEAVER, Mrs. GILLIBRAND, Mr. COHEN, Mr. GILCHREST, Ms. DEGETTE, Mrs. LOWEY, Mr. McDERMOTT, Ms. SUTTON, Mr. MCGOVERN, Mr. PICKERING, Mr. RANGEL, Mr. ACKERMAN, Mr. ELLISON, Mr. DOYLE, Mr. WAXMAN, Mr. GONZALEZ, Mrs. MCMORRIS RODGERS, Mr. ROSS, Mr. RYAN of Ohio, Mr. GORDON of Tennessee, Mr. ALEXANDER, Mr. GUTIERREZ, Mr. PAYNE, and Mr. MURPHY of Connecticut

JULY 8, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]
 [For text of introduced bill, see copy of bill as introduced on October 29, 2007]

A BILL

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,*

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “Pre-*
 5 *serve America and Save America’s Treasures Act”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 7 *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.

1 **TITLE I—PRESERVE AMERICA**
2 **PROGRAM**

3 **SEC. 101. PURPOSE.**

4 *The purpose of this title is to authorize the Preserve*
5 *America Program, including—*

6 (1) *the Preserve America grant program within*
7 *the Department of the Interior;*

8 (2) *the recognition programs administered by the*
9 *Advisory Council on Historic Preservation; and*

10 (3) *the related efforts of Federal agencies, work-*
11 *ing in partnership with State, tribal, and local gov-*
12 *ernments and the private sector, to support and pro-*
13 *mote the preservation of historic resources.*

14 **SEC. 102. DEFINITIONS.**

15 *In this title:*

16 (1) *COUNCIL.—The term “Council” means the*
17 *Advisory Council on Historic Preservation.*

18 (2) *HERITAGE TOURISM.—The term “heritage*
19 *tourism” means the conduct of activities to attract*
20 *and accommodate visitors to a site or area based on*
21 *the unique or special aspects of the history, landscape*
22 *(including trail systems), and culture of the site or*
23 *area.*

1 (3) *PROGRAM.*—*The term “program” means the*
2 *Preserve America Program established under section*
3 *103(a).*

4 (4) *SECRETARY.*—*The term “Secretary” means*
5 *the Secretary of the Interior.*

6 **SEC. 103. ESTABLISHMENT.**

7 (a) *IN GENERAL.*—*There is established in the Depart-*
8 *ment of the Interior the Preserve America Program, under*
9 *which the Secretary, in partnership with the Council, may*
10 *provide competitive grants to States, local governments (in-*
11 *cluding local governments in the process of applying for des-*
12 *ignation as Preserve America Communities under section*
13 *104), Indian tribes, communities designated as Preserve*
14 *America Communities under section 104, State historic*
15 *preservation offices, and tribal historic preservation offices*
16 *to support preservation efforts through heritage tourism,*
17 *education, and historic preservation planning activities.*

18 (b) *ELIGIBLE PROJECTS.*—

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

21 (A) *A project for the conduct of—*

22 (i) *research on, and documentation of,*
23 *the history of a community; and*

24 (ii) *surveys of the historic resources of*
25 *a community.*

1 (B) *An education and interpretation project*
2 *that conveys the history of a community or site.*

3 (C) *A planning project (other than building*
4 *rehabilitation) that advances economic develop-*
5 *ment using heritage tourism and historic preser-*
6 *vation.*

7 (D) *A training project that provides oppor-*
8 *tunities for professional development in areas*
9 *that would aid a community in using and pro-*
10 *moting its historic resources.*

11 (E) *A project to support heritage tourism in*
12 *a Preserve America Community designated*
13 *under section 104.*

14 (F) *Other nonconstruction projects that*
15 *identify or promote historic properties or provide*
16 *for the education of the public about historic*
17 *properties that are consistent with the purposes*
18 *of this Act.*

19 (2) *LIMITATION.—In providing grants under this*
20 *title, the Secretary shall only provide 1 grant to each*
21 *eligible project selected for a grant.*

22 (c) *PREFERENCE.—In providing grants under this*
23 *title, the Secretary may give preference to projects that*
24 *carry out the purposes of both the program and the Save*
25 *America’s Treasures Program.*

1 (d) *CONSULTATION AND NOTIFICATION.*—

2 (1) *CONSULTATION.*—*The Secretary shall consult*
3 *with the Council in preparing the list of projects to*
4 *be provided grants for a fiscal year under the pro-*
5 *gram.*

6 (2) *NOTIFICATION.*—*Not later than 30 days be-*
7 *fore the date on which the Secretary provides grants*
8 *for a fiscal year under the program, the Secretary*
9 *shall submit to the Committee on Energy and Natural*
10 *Resources of the Senate, the Committee on Appropria-*
11 *tions of the Senate, the Committee on Natural Re-*
12 *sources of the House of Representatives, and the Com-*
13 *mittee on Appropriations of the House of Representa-*
14 *tives a list of any eligible projects that are to be pro-*
15 *vided grants under the program for the fiscal year.*

16 (e) *COST-SHARING REQUIREMENT.*—

17 (1) *IN GENERAL.*—*The non-Federal share of the*
18 *cost of carrying out a project provided a grant under*
19 *this title shall be not less than 50 percent of the total*
20 *cost of the project.*

21 (2) *FORM OF NON-FEDERAL SHARE.*—*The non-*
22 *Federal share required under paragraph (1) shall be*
23 *in the form of—*

24 (A) *cash; or*

1 (B) donated supplies and related services,
2 the value of which shall be determined by the
3 Secretary.

4 (3) *REQUIREMENT.*—The Secretary shall ensure
5 that each applicant for a grant has the capacity to
6 secure, and a feasible plan for securing, the non-Fed-
7 eral share for an eligible project required under para-
8 graph (1) before a grant is provided to the eligible
9 project under the program.

10 **SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMU-**
11 **NITIES.**

12 (a) *APPLICATION.*—To be considered for designation as
13 a Preserve America Community, a community, tribal area,
14 or neighborhood shall submit to the Council an application
15 containing such information as the Council may require.

16 (b) *CRITERIA.*—To be designated as a Preserve Amer-
17 ica Community under the program, a community, tribal
18 area, or neighborhood that submits an application under
19 subsection (a) shall, as determined by the Council, in con-
20 sultation with the Secretary, meet criteria required by the
21 Council and, in addition, consider—

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

1 (2) *use of the historic assets of the community,*
2 *tribal area, or neighborhood for economic development*
3 *and community revitalization; and*

4 (3) *encouragement of people to experience and*
5 *appreciate local historic resources through education*
6 *and heritage tourism programs.*

7 (c) **LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED**
8 **FOR HISTORIC PRESERVATION ACTIVITIES.**—*The Council*
9 *shall establish an expedited process for Preserve America*
10 *Community designation for local governments previously*
11 *certified for historic preservation activities under section*
12 *101(c)(1) of the National Historic Preservation Act (16*
13 *U.S.C. 470a(c)(1)).*

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

17 **SEC. 105. REGULATIONS.**

18 *The Secretary shall develop any guidelines and issue*
19 *any regulations that the Secretary determines to be nec-*
20 *essary to carry out this title.*

21 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

22 *There is authorized to be appropriated to carry out*
23 *this title \$25,000,000 for each of fiscal years 2009, 2010,*
24 *2011, 2012, and 2013, to remain available until expended.*

1 **TITLE II—SAVE AMERICA’S**
2 **TREASURES PROGRAM**

3 **SEC. 201. PURPOSE.**

4 *The purpose of this title is to authorize within the De-*
5 *partment of the Interior the Save America’s Treasures Pro-*
6 *gram, to be carried out by the Director of the National Park*
7 *Service, in partnership with—*

8 (1) *the National Endowment for the Arts;*

9 (2) *the National Endowment for the Humanities;*

10 (3) *the Institute of Museum and Library Serv-*
11 *ices;*

12 (4) *the National Trust for Historic Preservation;*

13 (5) *the National Conference of State Historic*
14 *Preservation Officers;*

15 (6) *the National Association of Tribal Historic*
16 *Preservation Officers; and*

17 (7) *the President’s Committee on the Arts and*
18 *the Humanities.*

19 **SEC. 202. DEFINITIONS.**

20 *In this title:*

21 (1) *COLLECTION.*—*The term “collection” means*
22 *a collection of intellectual and cultural artifacts, in-*
23 *cluding documents, sculpture, and works of art.*

24 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
25 *ty” means a Federal entity, State, local, or tribal gov-*

1 *ernment, educational institution, or nonprofit organi-*
2 *zation.*

3 (3) *HISTORIC PROPERTY.*—*The term “historic*
4 *property” has the meaning given the term in section*
5 *301 of the National Historic Preservation Act (16*
6 *U.S.C. 470w).*

7 (4) *NATIONALLY SIGNIFICANT.*—*The term “na-*
8 *tionally significant” means a collection or historic*
9 *property that meets the applicable criteria for na-*
10 *tional significance, in accordance with regulations*
11 *promulgated by the Secretary pursuant to section*
12 *101(a)(2) of the National Historic Preservation Act*
13 *(16 U.S.C. 470a(a)(2)).*

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

17 (6) *SECRETARY.*—*The term “Secretary” means*
18 *the Secretary of the Interior, acting through the Di-*
19 *rector of the National Park Service.*

20 **SEC. 203. ESTABLISHMENT.**

21 (a) *IN GENERAL.*—*There is established in the Depart-*
22 *ment of the Interior the Save America’s Treasures program,*
23 *under which the amounts made available to the Secretary*
24 *under section 205 shall be used by the Secretary, in con-*
25 *sultation with the organizations described in section 201,*

1 *subject to subsection (f)(1)(B), to provide grants to eligible*
2 *entities for projects to preserve nationally significant collec-*
3 *tions and historic properties.*

4 (b) *DETERMINATION OF GRANTS.—Of the amounts*
5 *made available for grants under section 205, not less than*
6 *50 percent shall be made available for grants for projects*
7 *to preserve collections and historic properties, to be distrib-*
8 *uted through a competitive grant process administered by*
9 *the Secretary, subject to the eligibility criteria established*
10 *under subsection (e).*

11 (c) *APPLICATIONS FOR GRANTS.—To be considered for*
12 *a competitive grant under the program an eligible entity*
13 *shall submit to the Secretary an application containing*
14 *such information as the Secretary may require.*

15 (d) *COLLECTIONS AND HISTORIC PROPERTIES ELIGI-*
16 *BLE FOR COMPETITIVE GRANTS.—*

17 (1) *IN GENERAL.—A collection or historic prop-*
18 *erty shall be provided a competitive grant under the*
19 *program only if the Secretary determines that the col-*
20 *lection or historic property is—*

21 (A) *nationally significant; and*

22 (B) *threatened or endangered.*

23 (2) *ELIGIBLE COLLECTIONS.—A determination*
24 *by the Secretary regarding the national significance*
25 *of collections under paragraph (1)(A) shall be made*

1 *in consultation with the organizations described in*
2 *section 201, as appropriate.*

3 (3) *ELIGIBLE HISTORIC PROPERTIES.*—*To be eli-*
4 *gible for a competitive grant under the program, a*
5 *historic property shall, as of the date of the grant ap-*
6 *plication—*

7 (A) *be listed in the National Register of*
8 *Historic Places at the national level of signifi-*
9 *cance; or*

10 (B) *be designated as a National Historic*
11 *Landmark.*

12 (e) *SELECTION CRITERIA FOR GRANTS.*—

13 (1) *IN GENERAL.*—*The Secretary shall not pro-*
14 *vide a grant under this title to a project for an eligi-*
15 *ble collection or historic property unless the project—*

16 (A) *eliminates or substantially mitigates the*
17 *threat of destruction or deterioration of the eligi-*
18 *ble collection or historic property;*

19 (B) *has a clear public benefit; and*

20 (C) *is able to be completed on schedule and*
21 *within the budget described in the grant applica-*
22 *tion.*

23 (2) *PREFERENCE.*—*In providing grants under*
24 *this title, the Secretary may give preference to*

1 *projects that carry out the purposes of both the pro-*
2 *gram and the Preserve America Program.*

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

6 (f) *CONSULTATION AND NOTIFICATION BY SEC-*
7 *RETARY.*—

8 (1) *CONSULTATION.*—

9 (A) *IN GENERAL.*—*Subject to subparagraph*
10 *(B), the Secretary shall consult with the organi-*
11 *zations described in section 201 in preparing the*
12 *list of projects to be provided grants for a fiscal*
13 *year by the Secretary under the program.*

14 (B) *LIMITATION.*—*If an entity described in*
15 *subparagraph (A) has submitted an application*
16 *for a grant under the program, the entity shall*
17 *be recused by the Secretary from the consultation*
18 *requirements under that subparagraph and sub-*
19 *section (a).*

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

1 sources of the House of Representatives, and the Com-
2 mittee on Appropriations of the House of Representa-
3 tives a list of any eligible projects that are to be pro-
4 vided grants under the program for the fiscal year.

5 *(g) COST-SHARING REQUIREMENT.—*

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

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

13 *(A) cash; or*

14 *(B) donated supplies or related services, the*
15 *value of which shall be determined by the Sec-*
16 *retary.*

17 *(3) REQUIREMENT.—The Secretary shall ensure*
18 *that each applicant for a grant has the capacity and*
19 *a feasible plan for securing the non-Federal share for*
20 *an eligible project required under paragraph (1) be-*
21 *fore a grant is provided to the eligible project under*
22 *the program.*

1 **SEC. 204. REGULATIONS.**

2 *The Secretary shall develop any guidelines and issue*
3 *any regulations that the Secretary determines to be nec-*
4 *essary to carry out this title.*

5 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

6 *There is authorized to be appropriated to carry out*
7 *this title \$50,000,000 for each fiscal year, to remain avail-*
8 *able until expended.*

9 **TITLE III—GENERAL**
10 **PROVISIONS**

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

12 *None of the funds provided pursuant to this Act may*
13 *be used to study or establish a National Heritage Area or*
14 *fund a National Heritage Area management entity.*

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A BILL

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