

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2002

OCTOBER 1, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 5125]

The Committee on Resources, to whom was referred the bill (H.R. 5125) to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “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. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM.**

The American Battlefield Protection Act of 1996 (16 U.S.C. 469k) is amended—

(1) by redesignating subsection (d) as paragraph (3) of subsection (c), and indenting appropriately;

(2) in paragraph (3) of subsection (c) (as redesignated by paragraph (1))—

- (A) by striking “APPROPRIATIONS” and inserting “APPROPRIATIONS”; and  
 (B) by striking “section” and inserting “subsection”;
- (3) by inserting after subsection (c) the following:
- “(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—
- “(1) DEFINITIONS.—In this subsection:
- “(A) BATTLEFIELD REPORT.—The term ‘Battlefield Report’ means the document entitled ‘Report on the Nation’s Civil War Battlefields’, prepared by the Civil War Sites Advisory Commission, and dated July 1993.
- “(B) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local government.
- “(C) ELIGIBLE SITE.—The term ‘eligible site’ means a site—
- “(i) that is not within the exterior boundaries of a unit of the National Park System; and
- “(ii) that is identified in the Battlefield Report.
- “(D) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior, acting through the American Battlefield Protection Program.
- “(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.
- “(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.
- “(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.
- “(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).
- “(6) REPORTS.—
- “(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.
- “(B) UPDATE OF BATTLEFIELD REPORT.—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—
- “(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;
- “(ii) changes in the condition of the battlefields during that period; and
- “(iii) any other relevant developments relating to the battlefields during that period.
- “(7) AUTHORIZATION OF APPROPRIATIONS.—
- “(A) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection \$10,000,000 for each of fiscal years 2004 through 2008.
- “(B) UPDATE OF BATTLEFIELD REPORT.—There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.”; and
- (4) in subsection (e)—
- (A) in paragraph (1), by striking “as of” and all that follows through the period and inserting “on September 30, 2008.”; and
- (B) in paragraph (2), by inserting “and provide battlefield acquisition grants” after “studies”.

#### PURPOSE OF THE BILL

The purpose of H.R. 5125 is to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

#### BACKGROUND AND NEED FOR LEGISLATION

The Civil War Sites Advisory Commission was established by Congress in 1990 because of national concern about the loss of battlefields with historic significance to the Civil War. In July 1993,

the Commission published the Report on the Nation's Civil War Battlefields regarding the Nation's 384 battlefields. The report concluded that almost 20 percent of the Civil War battlefields are lost or fragmented, 17 percent are in poor condition, and 60 percent have been lost or are in imminent danger of being fragmented and lost as coherent historic sites.

Congress created the American Battlefield Protection Program, operated by the National Park Service, to preserve and protect battlefields and historic sites associated with armed conflicts that influenced American history. The program has been used to leverage non-federal dollars in preserving endangered sites. For example, the \$8 million dollars provided in the fiscal year (FY) 1999 Department of the Interior Appropriations Act generated an additional \$16 million dollars from non-federal entities. H.R. 5125 would provide predictability to the program for potential donors by authorizing an annual appropriation of up to \$10 million dollars for FY 2004 through FY 2008 after the current appropriation is exhausted. The battlefield acquisition program would establish a 1 to 1 match to obtain grant dollars. In addition, it would also authorize \$500,000 for the Secretary of the Interior to update the Commission report on the status of civil war battlefields and to prioritize needs.

#### COMMITTEE ACTION

H.R. 5125 was introduced on July 15, 2002, by Congressman Gary Miller (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation, and Public Lands. On September 12, 2002, the Full Resources Committee met to consider the bill and the Subcommittee on National Parks, Recreation, and Public Lands was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment to allow two years for the Civil War Sites Advisory Commission to update the report. The amendment was adopted by unanimous consent. No further amendments were offered and the bill as amended 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 Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in car-

rying out this bill. The Committee believes that enactment of this bill will have little effect on the federal budget.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. 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 amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### 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, existing law in which no change is proposed is shown in roman):

### AMERICAN BATTLEFIELD PROTECTION ACT OF 1996

#### SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “American Battlefield Protection Act of 1996”.

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(c) PRESERVATION ASSISTANCE.—  
(1) \* \* \*

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[(d)] (3) AUTHORIZATION OF [APPROPRIATIONS] *APPROPRIATIONS*.—There are authorized to be appropriated \$3,000,000 annually to carry out this [section] *subsection*, to remain available until expended.

(d) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—*In this subsection:*

(A) BATTLEFIELD REPORT.—*The term “Battlefield Report” means the document entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993.*

(B) *ELIGIBLE ENTITY.*—The term “eligible entity” means a State or local government.

(C) *ELIGIBLE SITE.*—The term “eligible site” means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior, acting through the American Battlefield Protection Program.

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

(3) *NONPROFIT PARTNERS.*—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

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

(5) *LIMITATION ON LAND USE.*—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

(6) *REPORTS.*—

(A) *IN GENERAL.*—Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

(B) *UPDATE OF BATTLEFIELD REPORT.*—Not later than 2 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report that updates the Battlefield Report to reflect—

(i) preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;

(ii) changes in the condition of the battlefields during that period; and

(iii) any other relevant developments relating to the battlefields during that period.

(7) *AUTHORIZATION OF APPROPRIATIONS.*—

(A) *IN GENERAL.*—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this subsection \$10,000,000 for each of fiscal years 2004 through 2008.

(B) *UPDATE OF BATTLEFIELD REPORT.*—There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.

(e) *REPEAL.*—

(1) *IN GENERAL.*—This section is repealed [as of the date that is 10 years after the date of enactment of this section.] on September 30, 2008.

(2) *NO EFFECT ON GENERAL AUTHORITY.*—The Secretary may continue to conduct battlefield studies and provide battlefield

*acquisition grants* in accordance with other authorities available to the Secretary.

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