

PRESERVE AMERICA AND SAVE AMERICA'S TREASURES
ACT

JULY 8, 2008.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3981]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3981) to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes, 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; TABLE OF CONTENTS.

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

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

TITLE I—PRESERVE AMERICA PROGRAM

SEC. 101. PURPOSE.

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

- (1) the Preserve America grant program within the Department of the Interior;
- (2) the recognition programs administered by the Advisory Council on Historic Preservation; and
- (3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

SEC. 102. DEFINITIONS.

In this title:

- (1) COUNCIL.—The term “Council” means the Advisory Council on Historic Preservation.
- (2) HERITAGE TOURISM.—The term “heritage tourism” means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.
- (3) PROGRAM.—The term “program” means the Preserve America Program established under section 103(a).
- (4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

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

- (A) A project for the conduct of—
 - (i) research on, and documentation of, the history of a community; and
 - (ii) surveys of the historic resources of a community.
- (B) An education and interpretation project that conveys the history of a community or site.
- (C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.
- (D) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.
- (E) A project to support heritage tourism in a Preserve America Community designated under section 104.
- (F) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this Act.

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

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

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(2) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) COST-SHARING REQUIREMENT.—

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

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

(A) cash; or

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

(3) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.

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

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

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

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

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

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

(d) **GUIDELINES.**—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

SEC. 105. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

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

TITLE II—SAVE AMERICA’S TREASURES PROGRAM

SEC. 201. PURPOSE.

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

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

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

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

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

SEC. 202. DEFINITIONS.

In this title:

(1) **COLLECTION.**—The term “collection” means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

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

(4) **NATIONALLY SIGNIFICANT.**—The term “nationally significant” means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

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

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 203. ESTABLISHMENT.

(a) **IN GENERAL.**—There is established in the Department of the Interior the Save America’s Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the organizations described in section 201, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

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

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

(d) **COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.**—

(1) **IN GENERAL.**—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

- (A) nationally significant; and
- (B) threatened or endangered.

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

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

- (A) be listed in the National Register of Historic Places at the national level of significance; or
- (B) be designated as a National Historic Landmark.

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

(1) **IN GENERAL.**—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

- (A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;
- (B) has a clear public benefit; and
- (C) is able to be completed on schedule and within the budget described in the grant application.

(2) **PREFERENCE.**—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

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

(f) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

(1) **CONSULTATION.**—

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

(B) **LIMITATION.**—If an entity described in subparagraph (A) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations

of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) **COST-SHARING REQUIREMENT.**—

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

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

(A) cash; or

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

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

SEC. 204. REGULATIONS.

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title \$50,000,000 for each fiscal year, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. PROHIBITION ON FUNDING CERTAIN ACTIVITIES.

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

PURPOSE OF THE BILL

The purpose of H.R. 3981 is to authorize the Preserve America Program and Save America’s Treasures Program, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Save America’s Treasures (SAT) Program was created by Executive Order in 1998 and is jointly administered by the National Park Service and the National Trust for Historic Preservation. The program provides matching grants, funded through the Historic Preservation Fund, to eligible recipients to restore historic artifacts or structures. Since its inception, more than 1,000 SAT grants totaling nearly \$290 million have been awarded in all fifty states, the District of Columbia and Puerto Rico. Approximately 70 percent of those grants have gone to preserve historic structures while 30 percent have gone to museum collections. In 2008, the SAT program received \$24.6 million but the Administration has proposed cutting that figure to \$15 million for fiscal year 2009.

The Preserve America (PA) Program was created by Executive Order in 2003 and is administered jointly by the National Park Service and the Advisory Council on Historic Preservation. Rather than funding “bricks and mortar,” PA grants are available to “help local communities develop sustainable resource management strategies and sound business practices for the continued preservation and use of historic assets.” Only State or Tribal Historic Preservation Offices, certified local governments, and designated Preserve America Communities are eligible for PA grants. Like the SAT program, these grants are also funded through the Historic Preservation Fund. In 2008, \$7.3 million was appropriated for the PA Pro-

gram but the Administration has proposed increasing that amount to \$10 million for the upcoming fiscal year.

H.R. 3981, sponsored by Representative Brad Miller (D–NC), would permanently authorize both the Save America’s Treasures and Preserve America Programs. As introduced, the legislation does not make significant changes to the operation of either program.

COMMITTEE ACTION

H.R. 3981 was introduced on October 29, 2007 by Representative Brad Miller (D–NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. The Subcommittee held a hearing on H.R. 3981 on April 24, 2008, at which the Administration testified in strong support of the legislation.

On June 11, 2008, the Subcommittee was discharged from further consideration of the legislation and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to conform H.R. 3981 to the version of the legislation ordered to be reported by the Senate Energy and Natural Resources Committee on May 7, 2008. The amendment in the nature of a substitute made several technical changes to the legislation, provided a larger role in the grant selection process for State Historic Preservation Officers and capped authorization for appropriations for both programs. Subcommittee Ranking Member Rob Bishop (R–UT) offered two amendments, en bloc. The Bishop en bloc amendment limited the authorization of appropriations for the Preserve America Program to five years and prohibited funds from either program from being used to “study or establish a National Heritage Area or fund a National Heritage Area management entity.” The Bishop en bloc amendment was adopted by voice vote. The Grijalva substitute, as amended, was then agreed to by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents

Section 1 provides that the bill may be cited as the “Preserve America and Save America’s Treasures Act,” and includes a table of contents.

Section 101. Purpose

This section states that the purpose of Title I of H.R. 3981 is to authorize the Preserve America Program.

Section 102. Definitions

This section defines the terms to be used in Title I.

Section 103. Establishment

This section establishes the Preserve America Program within the Department of the Interior, to be managed in partnership with the Advisory Council on Historic Preservation. The section goes on

to list eligible recipients and projects and establish procedures for carrying out the grant program.

The Preserve America and Save America's Treasures grant programs expand the funding available for projects to protect and enhance the Nation's heritage. The Committee realizes these programs are supplemental to the baseline activities of State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs) which carry out the mandates of the National Historic Preservation Act. The work of the States and Tribes provides the necessary foundation for the supplemental assistance provided by Preserve America and Save America's Treasures grants.

SHPOs and THPOs are resources that will continue to play a vital role in our Nation's historic preservation program. The hundreds of thousands of hours spent annually on 106 reviews, National Register opinions, tax credit reviews, and numerous other activities provide the backbone for the preservation of our historic heritage. In December 2007 the National Academy of Public Administration said that "the National Historic Preservation Program (SHPOs and THPOs) stands as a successful example of effective federal-state partnership and is working to realize Congress' original vision to a great extent."

Section 104. Designation of Preserve America Communities

This section outlines the criteria and process for becoming a designated Preserve America Community and thus becoming eligible for grants under the program.

Section 105. Regulations

Section 105 directs the Secretary to develop any guidelines and issue any regulations necessary to carry out this Title.

Section 106. Authorization of appropriations

Section 106 authorizes appropriation of \$25 million annually for this title for fiscal years 2009 through 2013.

Section 201. Purpose

This section states that the purpose of Title II of H.R. 3981 is to authorize the Save America's Treasures Program within the Department of the Interior to be coordinated with a variety of arts and preservation organizations.

Section 202. Definitions

This section defines the terms used in this Title.

Section 203. Establishment

Section 203 establishes the Save America's Treasures Program and outlines the criteria and procedures for operation of the program.

Section 204. Regulations

Section 204 directs the Secretary to develop any guidelines and issue any regulations necessary to carry out the Save America's Treasures program.

Section 205. Authorization of appropriations

This section authorizes \$50 million annually for the Save America's Treasures Program.

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.

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 carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

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 authorize the Preserve America and Save America's Treasures Programs.

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 received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 3981—Preserve America and Save America's Treasures Act

Summary: H.R. 3981 would authorize appropriations totaling \$75 million annually for two grant programs administered by the National Park Service (NPS). Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 3981 would cost \$300 million over the 2009–2013 period.

H.R. 3981 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3981 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	75	75	75	75	75	375
Estimated Outlays	25	50	75	75	75	300

Basis of estimate: For this estimate, CBO assumes that H.R. 3981 will be enacted near the end of fiscal year 2008 and that the authorized amounts will be provided as specified in the bill. Estimated outlays are based on historical spending patterns for the two programs.

H.R. 3981 would authorize the appropriation of \$25 million a year through 2013 for the Preserve America program and \$50 million a year indefinitely for the Save America's Treasures program. Those programs fund grants to states, local governments, and other eligible entities for historic preservation and similar activities. For fiscal year 2008, the NPS received appropriations totaling \$20 million for the two grant programs.

Intergovernmental and private-sector impact: H.R. 3981 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. The bill would benefit those governments by authorizing grants for historic preservation; any costs to those entities would be incurred voluntarily.

Previous CBO estimate: On May 19, 2008, CBO transmitted a cost estimate for S. 2262, the Preserve America and Save America's Treasures Act, as ordered reported by the Senate Committee on Energy and Natural Resources on May 7, 2008. S. 2262 and H.R. 3981 are very similar, but the House bill would authorize appropriations through fiscal year 2013 for the Preserve America program, while the Senate bill would authorize appropriations indefinitely for both programs. The estimated total cost of the two pieces of legislation over the 2009–2013 period is the same.

Estimate prepared by: Federal Costs: Deborah Reis and Jeffrey LaFave; Impact on State, Local, and Tribal Governments: Melissa Merrill; Impact on the Private Sector: MarDestinee Perez.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 3981 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

