

CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2008

JULY 29, 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

together with

ADDITIONAL VIEWS

[To accompany H.R. 2933]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2933) to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, 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.

This Act may be cited as the “Civil War Battlefield Preservation Act of 2008”.

SEC. 2. AUTHORIZATION EXTENDED.

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

(1) in subsection (d)(7)(A), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(2) by striking subsection (e).

PURPOSE OF THE BILL

The purpose of H.R. 2933 is to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Authorized in 1996 (Sec. 604 of Public Law 104–333), the American Battlefield Protection Program (16 U.S.C. 469k) provides grants for preserving endangered Civil War battlefields which are specifically not part of the National Park System. Administered by the National Park Service, the program leverages federal funds appropriated under the program by requiring matching funds from private donors.

The program contains two components. Battlefield preservation project grants help communities and organizations preserve battlefield sites. To date, 329 project grants have been awarded to help grantees identify historic battlefield sites, nominate historic battlefield sites to the National Register of Historic Places, interpret battlefields for the public, and for other purposes. The battlefield acquisition grant program provides matching funds which help state and local governments acquire and preserve battlefield sites outside the boundaries of National Park System units. The acquisition program has provided permanent protection to 15,705 acres at 72 Civil War battlefields and the \$26.3 million in grants have been used to leverage \$52 million in non-federal funding.

H.R. 2933 amends the American Battlefield Protection Act of 1996 to extend the authorization of appropriations for these grant programs through fiscal year 2013.

COMMITTEE ACTION

H.R. 2933 was introduced on June 28, 2007 by Representative Gary Miller (R–CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands. On July 10, 2008, the Subcommittee held a hearing on the bill, during which the Administration testified in support of the legislation.

On July 16, 2008, the Subcommittee was discharged from further consideration of H.R. 2933 and the Full Natural Resources Committee met to consider the bill. Subcommittee Chairman Grijalva (D–AZ) offered an amendment in the nature of a substitute to strike the Findings of Congress section, strike the program’s sunset date and conform the bill to the version reported in the Senate. It was adopted by unanimous consent. The bill, as amended, was then 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 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 amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

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. 2933—Civil War Battlefield Preservation Act of 2008

Summary: H.R. 2933 would authorize the appropriation of \$10 million a year over the 2009–2013 period for grants to support efforts to protect and preserve historic battlefields under the Civil War Preservation Act of 2002. (The existing authorization for such grants is scheduled to expire after fiscal year 2008.) State and local governments would use those grants, in partnership with nonprofit organizations, to acquire interests in Civil War battlefield sites that lie beyond the boundaries of the National Park System.

Assuming appropriation of the authorized amounts, CBO estimates that the National Park Service would spend \$42 million over the 2009–2013 period (and \$8 million in later years) to carry out this grant program. The legislation would not affect direct spending or revenues.

The bill 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: For this estimate, CBO assumes that amounts authorized by the bill will be appropriated for each fiscal year. Estimates of outlays are based on recent spending patterns for this program. The estimated budgetary impact of H.R. 2933 is shown in the following table. The cost of this legislation falls 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 ^a	10	10	10	10	10	50

	By fiscal year, in millions of dollars—					
	2009	2010	2011	2012	2013	2009–2013
Estimated Outlays	5	7	10	10	10	42

^a For fiscal year 2008, about \$3 million was appropriated for battlefield preservation grants.

Intergovernmental and private-sector impact: H.R. 2933 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state and local governments. The bill would extend the authorization of a grant program for the preservation of battlefield sites and would benefit state and local governments. Any costs to those governments would be incurred voluntarily.

Previous CBO estimate: On February 29, 2008, CBO submitted a cost estimate for S. 1921, the Civil War Battlefield Preservation Act of 2007, as ordered reported by the Senate Committee on Energy and Natural Resources on January 30, 2008. H.R. 2933 and S. 1921 are nearly identical, and their estimated costs are the same.

Estimate prepared by: Federal Costs: Deborah Reis and Matthew Pickford; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: MarDestinee C. Perez.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 2933 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 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

(Section 604 of Division I of Public Law 104–333)

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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(d) **BATTLEFIELD ACQUISITION GRANT PROGRAM.**—

(1) * * *

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(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]]~~ *fiscal years 2009 through 2013*.

* * * * *

[(e) REPEAL.—

[(1) IN GENERAL.—This section is repealed 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.

[(3) UNOBLIGATED FUNDS.—Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.]

ADDITIONAL VIEWS

THE AMERICAN BATTLEFIELD PROTECTION ACT AMENDMENTS

The American Civil War captures the imagination of people like no other event in our history. In bookstores most shelves in the history section are devoted to events of the 1860's. On weekends, battles are re-enacted by serious hobbyists who strive for authenticity in costume, weaponry and skirmish details. Pictures of Lincoln are found in countless homes and classrooms, Confederate flags adorn pick-up trucks and the words of the Gettysburg Address are as familiar as the 23rd Psalm.

As a nation, we clearly recognize the continuing importance of the War Between the States. So it is natural that we should try to find appropriate ways to keep safe the places where our great grandfathers witnessed events so noble and so horrific.

But since our country is about liberty rather than glorification of the state, we have to safeguard not just the hills and the mud on which they fought but also the freedoms for which they fought. Therefore, it would be tragic if we allow our well-meaning enthusiasm for protecting historic sites to result in programs that diminish the property rights of our fellow citizens. This bill has two important safeguards. There is a "willing seller" provision—and we need to make sure the seller's willingness is un-coerced—and there is a sunset provision on the program's funding authorization. The bill's sponsors are to be commended for including these safeguards.

ROB BISHOP.

