

AMERICAN BATTLEFIELD PROTECTION PROGRAM  
AMENDMENTS ACT OF 2012

—————  
JULY 17, 2012.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. HASTINGS of Washington, from the Committee on Natural  
Resources, submitted the following

R E P O R T

[To accompany H.R. 2489]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2489) to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection 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 “American Battlefield Protection Program Amendments Act of 2012”.

**SEC. 2. REVOLUTIONARY WAR AND WAR OF 1812 AMERICAN BATTLEFIELD PROTECTION.**

Section 7301(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) is amended as follows:

(1) In paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) BATTLEFIELD REPORT.—The term ‘battlefield report’ means, collectively—

“(i) the report entitled ‘Report on the Nation’s Civil War Battlefields’, prepared by the Civil War Sites Advisory Commission, and dated July 1993; and

“(ii) the report entitled ‘Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States’, prepared by the National Park Service, and dated September 2007.”; and

(B) in subparagraph (C)(ii), by striking “Battlefield Report” and inserting “battlefield report”.

- (2) In paragraph (2), by inserting “eligible sites or” after “acquiring”.
- (3) In paragraph (3), by inserting “an eligible site or” after “acquire”.
- (4) In paragraph (4), by inserting “an eligible site or” after “acquiring”.
- (5) In paragraph (5), by striking “An” and inserting “An eligible site or an”.
- (6) By redesignating paragraph (6) as paragraph (9).
- (7) By inserting after paragraph (5) the following new paragraphs:
  - “(6) WILLING SELLERS.—Acquisition of land or interests in land under this subsection shall be from willing sellers only.
  - “(7) REPORT.—Not later than 5 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out under this subsection, including a description of—
    - “(A) preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;
    - “(B) changes in the condition of the battlefields and associated sites during that period; and
    - “(C) any other relevant developments relating to the battlefields and associated sites during that period.
  - “(8) PROHIBITION ON LOBBYING.—
    - “(A) IN GENERAL.—None of the funds provided pursuant to this section may be used for purposes of lobbying any person or entity regarding the implementation of this section or be granted, awarded, contracted, or otherwise be made available to any person, organization, or entity that participates in such lobbying.
    - “(B) LOBBYING DEFINED.—For purposes of this paragraph, the term ‘lobbying’ means to directly or indirectly pay for any personal service, advertisement, telegram, telephone call, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government to favor, adopt, or oppose by vote or otherwise, any legislation, law, ratification, policy, land use plan (including zoning), or appropriation of funds before or after the introduction of any bill, resolution, or other measure proposing such legislation, law, ratification, policy, or appropriation.”
- (8) In paragraph (9) (as redesignated by paragraph (6)), by striking “2013” and inserting “2017”.

#### PURPOSE OF THE BILL

The purpose of H.R. 2489, as ordered reported, is to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

#### BACKGROUND AND NEED FOR LEGISLATION

The American Battlefield Protection Act of 1996 was enacted to preserve and protect historically significant battlefields associated with the Civil War. The law directs the Secretary of the Interior, acting through the American Battlefield Protection Program, to encourage, support, and assist in identifying, researching, evaluating, interpreting, and protecting historic Civil War battlefields and associated sites on a national, state, and local level.

The American Battlefield Protection Act of 1996 primarily addressed the preservation and protection of Civil War battlefields through conservation easements, or through the purchase of land from willing sellers. It placed an emphasis on creating partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance these nationally significant battlefields. The authorization of appropriations for this Act expired in 2008, but was reauthorized through 2013 as part of the Omnibus Public Land Management Act of 2009.

In September 2007, the National Park Service completed a “Report to Congress on the Historic Preservation of Revolutionary War

and War of 1812 Sites in the United States.” The report examined 243 battlefields and 434 historic properties in 31 States, the District of Columbia, and the Virgin Islands. Like a similar Civil War report, it inventoried and identified nationally significant conflict sites and noted areas that could be impacted by development.

H.R. 2489 amends section 7301 of the Omnibus Public Land Management Act of 2009, which reauthorized the American Battlefield Protection Act, to authorize a similar funding program for Revolutionary War and War of 1812 battlefields, to assist in purchasing these sites through the American Battlefield Protection Program.

During Full Committee consideration of the bill, the Committee adopted an amendment offered by Congressman Rob Bishop (R-UT) to reduce the authorization to five years and limit the total annual authorization of appropriations to its current authorized level of \$10 million a year which would be divided between Civil War and Revolutionary War sites. The fiscal year 2012 appropriation for the program was \$9 million. The amendment also included a provision to prohibit funds from being used or distributed to organizations which participate in lobbying.

#### COMMITTEE ACTION

H.R. 2489 was introduced on July 11, 2011, by Congressman Rush Holt (D-NJ). 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 January 24, 2012, the Subcommittee held a hearing on the bill. On April 25, 2012, the Full Natural Resources Committee met to consider the bill. The Subcommittee on National Parks, Forests and Public Lands was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered amendment designated #1 to the bill; the amendment was approved 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.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 2489—American Battlefield Protection Program Amendments Act of 2011*

Summary: H.R. 2489 would expand the American Battlefield Protection Program to include battlefields from the Revolutionary War and the War of 1812 and would authorize the appropriation of \$10 million a year over the 2014–2017 period for this program. In 2012, \$9 million was appropriated for this purpose, and \$10 million is authorized to be appropriated for 2013 under current law for the program. The amounts authorized for each year would be used to provide financial assistance to state or local governments to purchase land that has been identified by the National Park Service (NPS) as eligible for protection through the program but is not contained within the boundaries of a unit of the National Park System.

Assuming appropriation of the newly authorized amounts, CBO estimates that implementing H.R. 2489 would cost \$36 million over the 2013–2017 period and about \$4 million after 2017. Enacting H.R. 2489 would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

H.R. 2489 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. 2489 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—					2013–2017
	2013	2014	2015	2016	2017	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level .....	0	10	10	10	10	40
Estimated Outlays .....	0	6	10	10	10	36

Basis of Estimate: For this estimate, CBO assumes that H.R. 2489 will be enacted during fiscal year 2012 and that the amounts authorized by the bill will be appropriated in each year. Estimated outlays are based on historical spending patterns of similar NPS grant programs.

Pay-As-You-Go Considerations: None.

Intergovernmental and private-sector impact: H.R. 2489 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 modify an existing grant for the preservation of battlefield sites and would benefit state and local governments. Any costs to those governments would be incurred voluntarily as a condition of federal assistance.

Previous CBO estimate: On December 20, 2011, CBO transmitted a cost estimate for S. 779, the American Battlefield Protection Program Amendments Act of 2011, as ordered reported by the Senate Committee on Energy and Natural Resources on November 10, 2011. H.R. 2489 would authorize different amounts for the program and over a shorter period than S. 779. The CBO cost estimates for those pieces of legislation reflect those differences.

Estimate prepared by: Federal costs: Martin von Gnechten; Impact on state, local, and tribal governments: Melissa Merrell; Impact on the private sector: Amy Petz.

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

2. Section 308(a) of 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. CBO estimates that implementing H.R. 2489 would cost \$36 million over the 2013–2017 period and about \$4 million after 2017. Enacting H.R. 2489 would not affect revenues or direct spending; therefore, pay-as-you-go procedures do not apply.

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, as ordered reported, is to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### 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):

### **SECTION 7301 OF THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009**

#### **SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM.**

(a) \* \* \*

\* \* \* \* \*

(c) 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.】

(A) *BATTLEFIELD REPORT*.—The term “battlefield report” means, collectively—

(i) the report entitled “Report on the Nation’s Civil War Battlefields”, prepared by the Civil War Sites Advisory Commission, and dated July 1993; and

(ii) the report entitled “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States”, prepared by the National Park Service, and dated September 2007.

\* \* \* \* \*

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

(i) \* \* \*

(ii) that is identified in the [Battlefield Report] *battlefield report*.

\* \* \* \* \*

(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 *eligible sites* or interests in eligible sites for the preservation and protection of those eligible sites.

(3) *NONPROFIT PARTNERS*.—An eligible entity may acquire *an eligible site* or 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 eligible site* or an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) *LIMITATION ON LAND USE*.—【An】 *An eligible site* or 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. 4601–8(f)(3)).

(6) *WILLING SELLERS*.—*Acquisition of land or interests in land under this subsection shall be from willing sellers only.*

(7) *REPORT*.—*Not later than 5 years after the date of the enactment of this subsection, the Secretary shall submit to Congress a report on the activities carried out under this subsection, including a description of—*

(A) *preservation activities carried out at the battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the report required under this paragraph;*

(B) *changes in the condition of the battlefields and associated sites during that period; and*

(C) *any other relevant developments relating to the battlefields and associated sites during that period.*

(8) *PROHIBITION ON LOBBYING*.—

(A) *IN GENERAL*.—*None of the funds provided pursuant to this section may be used for purposes of lobbying any person or entity regarding the implementation of this section or be granted, awarded, contracted, or otherwise be made*

*available to any person, organization, or entity that participates in such lobbying.*

*(B) LOBBYING DEFINED.—For purposes of this paragraph, the term “lobbying” means to directly or indirectly pay for any personal service, advertisement, telegram, telephone call, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government to favor, adopt, or oppose by vote or otherwise, any legislation, law, ratification, policy, land use plan (including zoning), or appropriation of funds before or after the introduction of any bill, resolution, or other measure proposing such legislation, law, ratification, policy, or appropriation.*

**[(6)] (9) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated to the Secretary to provide grants under this subsection \$10,000,000 for each of fiscal years 2009 through **[2013]** 2017.

