

STATEMENT OF MICHAEL A. CALDWELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON NATIONAL PARKS, CONCERNING S. 3568 AND H.R. 3448, BILLS TO AMEND CHAPTER 3081 OF TITLE 54, UNITED STATES CODE, TO ENHANCE THE PROTECTION AND PRESERVATION OF AMERICA'S BATTLEFIELDS.

MAY 15, 2024

Chairman King, Ranking Member Daines, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on S. 3568 and H.R. 3448, bills to amend chapter 3081 of title 54, United States Code, to enhance the protection and preservation of America's battlefields.

The Department supports the goals of S. 3568 and H.R. 3448 to expand access to the American Battlefield Preservation Program. However, we have concerns with certain provisions of the bill related to ensuring the continued stewardship of lands that receive Federal funding.

The bills would amend the existing statute to:

- Add "Tribes" and "nonprofit organizations" to the list of entities eligible to receive Battlefield Land Acquisition Grants;
- Clarify that "associated historic sites" in the *Report on the Nation's Civil War Battlefields* and the *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* are ineligible for certain American Battlefield Protection Program grants;
- Extend the eligibility for Battlefield Restoration Grants to all eligible battlefield sites regardless of whether they have previously received Battlefield Land Acquisition Grants; and
- Require the program to submit updates to Congress on the *Report on the Nation's Civil War Battlefields* and the *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* detailing preservation activities, changes in condition, and other developments relating to the battlefields two years after the enactment of the bill and every ten years thereafter.

The American Battlefield Protection Act authorizes the National Park Service to administer the American Battlefield Protection Program (ABPP) to protect battlefields and sites of armed conflict on American soil through technical and financial assistance. The ABPP supports community-driven stewardship of historic resources through four grant opportunities: Preservation Planning, Battlefield Land Acquisition, Battlefield Interpretation, and Battlefield Restoration. These grants are awarded competitively and on an annual basis, except for Battlefield Land Acquisition Grant awards, which are made on a rolling basis throughout the year.

Preservation Planning Grants provide funds from National Recreation & Preservation (Cultural Programs) to State, Tribal, and local governments, nonprofit organizations, and educational institutions to support preservation and planning projects at historic battlefields and associated sites in the United States. Battlefield Land Acquisition Grant awards are made from the Land and Water Conservation Fund (LWCF) to State and local governments to pay up to 50% of the cost of fee-simple acquisition or easement interest in properties within eligible sites; amounts available vary each year. Interpretation and Restoration grants annually award up to \$1 million each in LWCF funds to pay up to 50% of the cost for States, Tribes, local governments, and nonprofit organizations to interpret and restore “day of battle” conditions, respectively.

The Department would support expanding eligibility for Battlefield Land Acquisition grants to include Tribes if the bill were amended to address any necessary authorizations related to tribal eligibility for LWCF funding, including the necessity of matching requirements. Additionally, we recommend the bill address the feasibility of land transactions and the Federal financial assistance requirements for protective Federal covenants upon lands governed by a sovereign nation.

Regarding the provision of S. 3568 and H.R. 3448 that would expand eligibility for Battlefield Land Acquisition Grants to include nonprofit organizations, the Department would want to ensure nonprofit recipients can guarantee the same degree of permanent protection that is required of State and local governments receiving ABPP funding. The Department appreciates that language was included in H.R. 3448 as amended and passed by the House, and in S. 3568 as introduced, that clarifies that all recipients, including non-profit organizations, would be required to maintain for public recreational use, in perpetuity, any land acquired with these grants, but still has concerns about the enforceability of this requirement as well as other issues related to awarding grants directly to nonprofit organizations.

The bills would also expand the scope of Battlefield Restoration grants which, currently, are only provided for land that has been preserved through a Battlefield Land Acquisition grant. The Department supports the intent of this provision and would note that the ABPP program is currently working to implement an administrative path to address the limitation on eligibility. We would welcome the opportunity to discuss possible conditions that should be required in conjunction with expanding eligibility.

Lastly, the bills would clarify that Battlefield Land Acquisition and Battlefield Interpretation grants are limited to battlefields listed in the previous reports to Congress, specifically excluding non-battlefield “associated historic sites” listed in those reports. It would require the Department to submit updated Battlefield Reports to Congress every 10 years. The Department has no objections to these provisions.

The Department would appreciate the opportunity to work with the bill’s sponsor and the Committee on amendments to address the points raised in this statement.

Chairman King, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.