

HISTORIC PRESERVATION FUND

Appropriation Language

For expenses necessary to carry out the Historic Preservation Act of 1996, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$67,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005, and to be for conservation spending category activities: Provided, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for priority preservation projects of nationally significant sites, structures, and artifacts: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the President's Committee on the Arts and Humanities: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

Note. – A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.

Justification of Major Proposed Language Changes

1. Addition: “spending category “

The added words more properly identify the funding as belonging to the conservation spending category as defined by the referenced Act.

2. Deletion: “defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act”

A new General Provision, Sec. 323, is proposed, applying this legal reference to all funding for “conservation spending category activities,” thus making it unnecessary to quote the reference in each Appropriation.

3. Addition: “Note. --- A regular 2003 appropriation for this account had not been enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 107-229, as amended). The amounts included for 2003 in this budget reflect the Administration's 2003 policy proposals.”

Addition of this note is needed to explain the source of figures used for Fiscal Year 2003, in the absence of an enacted appropriation.

Authorizing Statutes

16 USC 470 National Historic Preservation Act of 1966 (Public Law 89-665, 80 Stat. 915), establishes the historic preservation grant program to provide assistance to non-federal entities for the preservation of their cultural heritage; a 1976 amendment in Public Law 94-422 established the Historic Preservation Fund as the funding source; and section 470h, as amended by Public Law 94-422 Section 108, provided the fund with \$150 million in revenues from Outer Continental Shelf receipts each fiscal year through 1997, to “remain available in the Fund until appropriated.” This section also allows appropriations from the

fund to be made "without fiscal year limitation," thus allowing the two-year appropriation language and the no-year appropriation language.

Executive Order 11593, May 13, 1971, institutes procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archeological significance.

2 U.S.C. 9000(c)(4), The Balanced Budget and Emergency Deficit Control Act of 1985, as amended by Title VIII of Public Law 106-291, Department of Interior appropriations for FY2001, lists appropriations within which funding to preserve natural resources, provide for recreation, and related purposes constitutes 'conservation spending category'