

Calendar No. 440

108TH CONGRESS
2D SESSION

S. 524

[Report No. 108-230]

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

Mr. BUNNING introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MARCH 9, 2004

Reported by Mr. DOMENICI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fort Donelson Na-
3 tional Battlefield Expansion Act of 2003”.

4 **SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

5 (a) DESIGNATION; PURPOSE.—There exists as a unit
6 of the National Park System the Fort Donelson National
7 Battlefield to commemorate—

8 (1) the Battle of Fort Donelson in February
9 1862; and

10 (2) the campaign conducted by General Ulysses
11 S. Grant and Admiral Andrew H. Foote that re-
12 sulted in the capture of Fort Donelson by Union
13 forces.

14 (b) BOUNDARIES.—The Fort Donelson National Bat-
15 tlefield shall consist of the site of Fort Donelson and asso-
16 ciated land that has been acquired by the Secretary of the
17 Interior for administration by the National Park Service,
18 including Fort Donelson National Cemetery, in Stewart
19 County, Tennessee and the site of Fort Heiman and asso-
20 ciated land in Calloway County, Kentucky, as generally
21 depicted on the map entitled “_____”
22 numbered _____; and dated _____. The map
23 shall be on file and available for public inspection in the
24 appropriate offices of the National Park Service.

1 (c) **EXPANSION OF BOUNDARIES.**—The Fort
 2 Donelson National Battlefield shall also include any land
 3 acquired pursuant to section 3.

4 **SEC. 3 LAND ACQUISITION RELATED TO FORT DONELSON**
 5 **NATIONAL BATTLEFIELD.**

6 (a) **ACQUISITION AUTHORITY.**—Subject to sub-
 7 sections (b) and (c), the Secretary of the Interior may ac-
 8 quire land, interests in land, and improvements thereon
 9 for inclusion in the Fort Donelson National Battlefield.
 10 Such land, interests in land, and improvements may be
 11 acquired by the Secretary only by purchase from willing
 12 sellers with appropriated or donated funds, by donation,
 13 or by exchange with willing owners.

14 (b) **LAND ELIGIBLE FOR ACQUISITION.**—The Sec-
 15 retary of the Interior may acquire land, interests in land,
 16 and improvements thereon under subsection (a)—

17 (1) within the boundaries of the Fort Donelson
 18 National Battlefield described in section 2(b); and

19 (2) outside such boundaries if the land has been
 20 identified by the American Battlefield Protection
 21 Program as part of the battlefield associated with
 22 Fort Donelson or if the Secretary otherwise deter-
 23 mines that acquisition under subsection (a) will pro-
 24 tect critical resources associated with the Battle of

1 Fort Donelson in 1862 and the Union campaign
2 that resulted in the capture of Fort Donelson.

3 (c) ~~BOUNDARY REVISION.~~—Upon acquisition of land
4 or interests in land described in subsection (b)(2), the Sec-
5 retary of the Interior shall revise the boundaries of the
6 Fort Donelson National Battlefield to include the acquired
7 property.

8 (d) ~~LIMITATION ON TOTAL ACREAGE OF PARK.~~—The
9 total area encompassed by the Fort Donelson National
10 Battlefield may not exceed 2,000 acres.

11 **SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL**
12 **BATTLEFIELD.**

13 The Secretary of the Interior shall administer the
14 Fort Donelson National Battlefield in accordance with this
15 Act and the laws generally applicable to units of the Na-
16 tional Park System, including the Act of August 25, 1916
17 (commonly known as the National Park Service Organic
18 Act; 16 U.S.C. 1 et seq.), and the Act of August 21, 1935
19 (commonly known as the Historic Sites, Buildings, and
20 Antiquities Act; 16 U.S.C. 461 et seq.).

21 **SEC. 5. RELATION TO LAND BETWEEN THE LAKES NA-**
22 **TIONAL RECREATION AREA.**

23 The Secretary of Agriculture and the Secretary of the
24 Interior shall enter into a memorandum of understanding
25 to facilitate cooperatively protecting and interpreting the

1 remaining vestige of Fort Henry and other remaining Civil
 2 War resources in the Land Between the Lakes National
 3 Recreation Area affiliated with the Fort Donelson cam-
 4 paign.

5 **SEC. 6. REPEAL OF OBSOLETE PROVISIONS AND CON-**
 6 **FORMING AMENDMENTS.**

7 (a) REPEALS.—

8 (1) 1928 LAW.—The first section and sections
 9 2 through 7 of the Act of March 26, 1928 (16
 10 U.S.C. 428a–428f), are repealed.

11 (2) 1937 LAW.—Section 3 of the Act of August
 12 30, 1937 (16 U.S.C. 428d–3), is repealed.

13 (3) 1960 LAW.—Sections 4 and 5 of Public
 14 Law 86–738 (16 U.S.C. 428n, 428o) are repealed.

15 (b) CONFORMING AMENDMENTS.—

16 (1) 1928 LAW.—The Act of March 26, 1928, is
 17 amended—

18 (A) in section 8 (16 U.S.C. 428g), by
 19 striking “Secretary of War” and inserting “Sec-
 20 retary of the Interior”;

21 (B) in section 9 (16 U.S.C. 428h)—

22 (i) by striking “Fort Donelson Na-
 23 tional Park” and inserting “Fort Donelson
 24 National Battlefield”; and

1 (ii) by striking “Secretary of War”
 2 and inserting “Secretary of the Interior”;
 3 and

4 (C) in section 10 (16 U.S.C. 428i), by
 5 striking “Secretary of War” and inserting “Sec-
 6 retary of the Interior”.

7 (2) 1937 LAW.—The Act of August 30, 1937,
 8 is amended—

9 (A) in the first section (16 U.S.C. 428d—
 10 1)—

11 (i) by striking “Fort Donelson Na-
 12 tional Military Park” and inserting “Fort
 13 Donelson National Battlefield”; and

14 (ii) by striking “War Department”
 15 and inserting “Department of the Army”;
 16 and

17 (B) in section 2 (16 U.S.C. 428d—2)—

18 (i) by striking “Fort Donelson Na-
 19 tional Military Park” and inserting “Fort
 20 Donelson National Battlefield”;

21 (ii) by striking “said national military
 22 park” and inserting “Fort Donelson Na-
 23 tional Battlefield”; and

24 (iii) by striking the last sentence.

1 ~~(3) 1960 LAW.~~—The first section of Public Law
2 86–738 (16 U.S.C. 428k) is amended—

3 ~~(A)~~ by striking “Fort Donelson National
4 Military Park” and inserting “Fort Donelson
5 National Battlefield”; and

6 ~~(B)~~ by striking “, but the total area com-
7 memorating the battle of Fort Donelson shall
8 not exceed 600 acres”.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Fort Donelson National*
11 *Battlefield Expansion Act of 2004”.*

12 **SEC. 2. FORT DONELSON NATIONAL BATTLEFIELD.**

13 *(a) DESIGNATION; PURPOSE.—There exists as a unit*
14 *of the National Park System the Fort Donelson National*
15 *Battlefield to commemorate—*

16 *(1) the Battle of Fort Donelson in February*
17 *1862; and*

18 *(2) the campaign conducted by General Ulysses*
19 *S. Grant and Admiral Andrew H. Foote that resulted*
20 *in the capture of Fort Donelson by Union forces.*

21 *(b) BOUNDARIES.—The boundary of the Fort Donelson*
22 *National Battlefield is revised to include the site of Fort*
23 *Donelson and associated land that has been acquired by the*
24 *Secretary of the Interior for administration by the National*
25 *Park Service, including Fort Donelson National Cemetery,*

1 *in Stewart County, Tennessee and the site of Fort Heiman*
 2 *and associated land in Calloway County, Kentucky, as gen-*
 3 *erally depicted on the map entitled “Fort Donelson Na-*
 4 *tional Battlefield Boundary Adjustment” numbered 328/*
 5 *80024, and dated September 2003. The map shall be on file*
 6 *and available for public inspection in the appropriate of-*
 7 *fices of the National Park Service.*

8 (c) *EXPANSION OF BOUNDARIES.*—*The Fort Donelson*
 9 *National Battlefield shall also include any land acquired*
 10 *pursuant to section 3.*

11 **SEC. 3. LAND ACQUISITION RELATED TO FORT DONELSON**
 12 **NATIONAL BATTLEFIELD.**

13 (a) *ACQUISITION AUTHORITY.*—*Subject to subsections*
 14 *(b) and (c), the Secretary of the Interior may acquire land,*
 15 *interests in land, and improvements thereon for inclusion*
 16 *in the Fort Donelson National Battlefield. Such land, inter-*
 17 *ests in land, and improvements may be acquired by the Sec-*
 18 *retary only by purchase from willing sellers with appro-*
 19 *priated or donated funds, by donation, or by exchange with*
 20 *willing owners.*

21 (b) *LAND ELIGIBLE FOR ACQUISITION.*—*The Secretary*
 22 *of the Interior may acquire land, interests in land, and im-*
 23 *provements thereon under subsection (a)—*

24 (1) *within the boundaries of the Fort Donelson*
 25 *National Battlefield described in section 2(b); and*

(2) outside such boundaries if the land has been identified by the American Battlefield Protection Program as part of the battlefield associated with Fort Donelson or if the Secretary otherwise determines that acquisition under subsection (a) will protect critical resources associated with the Battle of Fort Donelson in 1862 and the Union campaign that resulted in the capture of Fort Donelson.

9 (c) *BOUNDARY REVISION.*—Upon acquisition of land
10 or interests in land described in subsection (b)(2), the Sec-
11 retary of the Interior shall revise the boundaries of the Fort
12 Donelson National Battlefield to include the acquired prop-
13 erty.

(d) *LIMITATION ON TOTAL ACREAGE OF PARK.*—The total area encompassed by the Fort Donelson National Battlefield may not exceed 2,000 acres.

17 *SEC. 4. ADMINISTRATION OF FORT DONELSON NATIONAL*
18 *BATTLEFIELD.*

19 *The Secretary of the Interior shall administer the Fort*
20 *Donelson National Battlefield in accordance with this Act*
21 *and the laws generally applicable to units of the National*
22 *Park System, including the Act of August 25, 1916 (com-*
23 *monly known as the National Park Service Organic Act;*
24 *16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (com-*

1 *monly known as the Historic Sites, Buildings, and Antiq-*
 2 *uities Act; 16 U.S.C. 461 et seq.).*

3 **SEC. 5. RELATION TO LAND BETWEEN THE LAKES NA-**
 4 **TIONAL RECREATION AREA.**

5 *The Secretary of Agriculture and the Secretary of the*
 6 *Interior shall enter into a memorandum of understanding*
 7 *to facilitate cooperatively protecting and interpreting the*
 8 *remaining vestige of Fort Henry and other remaining Civil*
 9 *War resources in the Land Between the Lakes National*
 10 *Recreation Area affiliated with the Fort Donelson cam-*
 11 *paign.*

12 **SEC. 6. CONFORMING AMENDMENT.**

13 *The first section of Public Law 86-738 (16 U.S.C.*
 14 *428k) is amended by striking “Tennessee” and all that fol-*
 15 *lows through the period at the end and inserting “Ten-*
 16 *nessee.”.*

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A BILL

To expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, and for other purposes.

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