

108TH CONGRESS  
1ST SESSION

# H. R. 3498

To amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2003

Mr. HOLT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. HINCHEY, Mr. MCHUGH, Mr. MARKEY, Mr. SWEENEY, Ms. KAPTUR, Mr. BOEHLERT, Mr. MCGOVERN, Mr. SOUDER, Mr. ROTHMAN, Mr. McDERMOTT, Mr. BLUMENAUER, Mr. LARSON of Connecticut, Mr. LANTOS, Mr. SANDERS, Mr. SKELTON, Mr. CARDIN, Mr. CASE, Mr. WAXMAN, Mr. COOPER, Mr. SHAYS, Mr. TOM DAVIS of Virginia, and Mr. LANGEVIN) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, 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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Revolutionary War and  
5 War of 1812 Battlefield Protection Act of 2003”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The battlefields of the American Revolu-  
4 tionary War and the War of 1812 provide a unique  
5 means for the people of the United States to relate  
6 to these epic struggles in the history of the United  
7 States and to understand their importance in the es-  
8 tablishment and early development of the United  
9 States.

10 (2) Urbanization, suburban sprawl, and un-  
11 planned commercial and residential development are  
12 constantly encroaching on many of the nationally  
13 significant battlefields of the American Revolu-  
14 tionary War and the War of 1812, as well as on as-  
15 sociated sites, and this encroachment poses a severe  
16 and growing risk to the preservation of such battle-  
17 fields and related sites.

18 (3) According to the Revolutionary War and  
19 War of 1812 Historical Preservation Study, pre-  
20 pared by the National Park Service, and dated Sep-  
21 tember 2003, of the 825 principal nationally signifi-  
22 cant battlefields and associated sites of the Amer-  
23 ican Revolutionary War and the War of 1812—

24 (A) thirteen percent are lost;

25 (B) thirty percent are fragmented or in  
26 poor condition; or

1 (C) twenty-seven percent may be destroyed  
 2 or impaired within the next ten years, and nine  
 3 percent of this percentage figure are in immi-  
 4 nent danger of damage occurring within the  
 5 next three years.

6 **SEC. 3. BATTLEFIELD ACQUISITION GRANT PROGRAM FOR**  
 7 **BATTLEFIELDS OF THE REVOLUTIONARY**  
 8 **WAR AND WAR OF 1812.**

9 (a) GRANT PROGRAM.—The American Battlefield  
 10 Protection Act of 1996 (16 U.S.C. 469k) is amended—

11 (1) by redesignating subsection (e) as sub-  
 12 section (f); and

13 (2) by inserting after subsection (d) the fol-  
 14 lowing new subsection:

15 “(e) BATTLEFIELD ACQUISITION GRANT PROGRAM  
 16 FOR BATTLEFIELDS OF THE REVOLUTIONARY WAR AND  
 17 WAR OF 1812.—

18 “(1) DEFINITIONS.—In this subsection:

19 “(A) BATTLEFIELD REPORT.—The term  
 20 ‘battlefield report’ means the document entitled  
 21 ‘Revolutionary War and War of 1812 Historic  
 22 Preservation Study’, prepared by the National  
 23 Park Service, and dated September 2003.

24 “(B) ELIGIBLE ENTITY.—The term ‘eligi-  
 25 ble entity’ means a State or local government.

1                   “(C) ELIGIBLE SITE.—The term ‘eligible  
2                   site’ means a site that—

3                   “(i) is not within the exterior bound-  
4                   aries of a unit of the National Park Sys-  
5                   tem; and

6                   “(ii) is identified in the battlefield re-  
7                   port.

8                   “(D) SECRETARY.—The term ‘Secretary’  
9                   means the Secretary of the Interior, acting  
10                  through the American Battlefield Protection  
11                  Program.

12                  “(2) ESTABLISHMENT.—The Secretary shall es-  
13                  tablish a battlefield acquisition grant program for  
14                  nationally significant battlefields and associated sites  
15                  of the Revolutionary War and the War of 1812  
16                  under which the Secretary may make grants to eligi-  
17                  ble entities to pay the Federal share of the cost of  
18                  acquiring fee-simple or lesser interests from willing  
19                  sellers in eligible sites for the preservation and pro-  
20                  tection of those eligible sites.

21                  “(3) NONPROFIT PARTNERS.—An eligible entity  
22                  may acquire an interest in an eligible site using a  
23                  grant under this subsection in partnership with a  
24                  nonprofit organization.

1           “(4) NON-FEDERAL SHARE.—The non-Federal  
2           share of the total cost of acquiring an interest in an  
3           eligible site under this subsection shall be not less  
4           than 50 percent.

5           “(5) LIMITATIONS ON LAND USE.—An interest  
6           in an eligible site acquired under this subsection  
7           shall be subject to section 6(f)(3) of the Land and  
8           Water Conservation Fund Act of 1965 (16 U.S.C.  
9           4601–8(f)(3)).

10          “(6) REPORTS.—

11               “(A) IN GENERAL.—Not later than 5 years  
12               after the date of the enactment of this sub-  
13               section, the Secretary shall submit to Congress  
14               a report on the activities carried out under this  
15               subsection.

16               “(B) UPDATE ON BATTLEFIELD RE-  
17               PORT.—Not later than 3 years after the date of  
18               the enactment of this subsection, the Secretary  
19               shall submit to Congress a report that updates  
20               the battlefield report to reflect—

21                       “(i) preservation activities carried out  
22                       at the 871 battlefields and associated sites  
23                       identified in the battlefield report during  
24                       the period between publication of the bat-  
25                       tlefield report and the update;

1 “(ii) changes in the condition of the  
 2 battlefields and associated sites during  
 3 that period; and

4 “(iii) any other relevant developments  
 5 relating to the battlefields and associated  
 6 sites during that period.

7 “(7) AUTHORIZATIONS OF APPROPRIATIONS.—

8 “(A) IN GENERAL.—There are authorized  
 9 to be appropriated to the Secretary from the  
 10 Land and Water Conservation Fund to provide  
 11 grants under this subsection \$10,000,000 for  
 12 each of fiscal years 2004 through 2008.

13 “(B) UPDATE OF BATTLEFIELD RE-  
 14 PORT.—There are authorized to be appro-  
 15 priated to the Secretary to carry out paragraph  
 16 (6)(B), \$500,000.”.

17 (b) CONFORMING AMENDMENTS.—Such Act is fur-  
 18 ther amended—

19 (1) in subsection (d)—

20 (A) by striking “BATTLEFIELD ACQUISI-  
 21 TION GRANT PROGRAM” and inserting “BAT-  
 22 TLEFIELD ACQUISITION GRANT PROGRAM FOR  
 23 BATTLEFIELDS OF THE CIVIL WAR”; and

1 (B) in paragraph (2), by striking “grant  
2 program” and inserting “grant program for  
3 battlefields of the Civil War”; and

4 (2) in subsection (f) (as redesignated by sub-  
5 section (a)(1))—

6 (A) by striking “REPEAL” and inserting  
7 “EXPIRATION”; and

8 (B) in paragraph (1) by striking “is re-  
9 pealed” and inserting “expires on”.

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