

109TH CONGRESS
1ST SESSION

H. R. 763

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. HOLT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. HINCHEY, Mr. MCHUGH, Mr. MARKEY, Mr. SWEENEY, and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Resources

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 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

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

22 (A) thirteen percent are lost;

23 (B) thirty percent are fragmented or in
24 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 (section 604 of division I of Public
11 Law 104–333; 16 U.S.C. 469k) is amended—

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

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

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

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

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

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

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

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

8 “(ii) is identified in the battlefield re-
9 port.

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

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

23 “(3) NONPROFIT PARTNERS.—An eligible entity
24 may acquire an interest in an eligible site using a

1 grant under this subsection in partnership with a
2 nonprofit organization.

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

7 “(5) LIMITATIONS ON LAND USE.—An interest
8 in an eligible site acquired under this subsection
9 shall be subject to section 6(f)(3) of the Land and
10 Water Conservation Fund Act of 1965 (16 U.S.C.
11 4601–8(f)(3)).

12 “(6) REPORTS.—

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

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

23 “(i) preservation activities carried out
24 at the 871 battlefields and associated sites
25 identified in the battlefield report during

1 the period between publication of the bat-
2 tlefield report and the update;

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

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

9 “(7) AUTHORIZATIONS OF APPROPRIATIONS.—

10 “(A) IN GENERAL.—There are authorized
11 to be appropriated to the Secretary from the
12 Land and Water Conservation Fund to provide
13 grants under this subsection \$10,000,000 for
14 each of fiscal years 2006 through 2008.

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

19 (b) CONFORMING AMENDMENTS.—

20 (1) REFERENCES TO OTHER BATTLEFIELD AC-
21 QUISSION PROGRAM.—Subsection (d) of the Amer-
22 ican Battlefield Protection Act of 1996, as added by
23 section 3 of Civil War Battlefield Preservation Act
24 of 2002 (Public Law 107–359; 116 Stat. 3016), is
25 amended—

1 (A) in the subsection heading, by striking
2 “BATTLEFIELD ACQUISITION GRANT PRO-
3 GRAM” and inserting “BATTLEFIELD ACQUI-
4 TION GRANT PROGRAM FOR BATTLEFIELDS OF
5 THE CIVIL WAR”; and

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

9 (2) TERMINATION OF AUTHORITY.—Subsection
10 (f) of the American Battlefield Protection Act of
11 1996, as redesignated by subsection (a)(1), is
12 amended—

13 (A) in the subsection heading, by striking
14 “REPEAL” and inserting “EXPIRATION”; and

15 (B) in paragraph (1), by striking “is re-
16 pealed” and inserting “expires”.

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