

104TH CONGRESS
1ST SESSION

S. 1226

To require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, SEPTEMBER 5), 1995

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

A BILL

To require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, 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 **TITLE I—REVOLUTIONARY WAR**
2 **AND WAR OF 1812 HISTORIC**
3 **PRESERVATION STUDY**

4 **SECTION 101. SHORT TITLE.**

5 This title may be cited as the “Revolutionary War
6 and War of 1812 Historic Preservation Study Act of
7 1995”.

8 **SEC. 102. FINDINGS.**

9 Congress finds that—

10 (1) Revolutionary War sites and War of 1812
11 sites provide a means for Americans to understand
12 and interpret the periods in American history during
13 which the Revolutionary War and War of 1812 were
14 fought;

15 (2) the historical integrity of many Revolution-
16 ary War sites and War of 1812 sites is at risk be-
17 cause many of the sites are located in regions that
18 are undergoing rapid urban or suburban develop-
19 ment; and

20 (3) it is important, for the benefit of the United
21 States, to obtain current information on the signifi-
22 cance of, threats to the integrity of, and alternatives
23 for the preservation and interpretation of Revolu-
24 tionary War sites and War of 1812 sites.

1 **SEC. 103. DEFINITIONS.**

2 In this title:

3 (1) DIRECTOR.—The term “Director” means
4 the Director of the National Park Service.

5 (2) REVOLUTIONARY WAR SITE.—The term
6 “Revolutionary War site” means a site or structure
7 situated in the United States that is thematically
8 tied with the nationally significant events that oc-
9 curred during the Revolutionary War.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (4) WAR OF 1812 SITE.—The term “War of
13 1812 site” means a site or structure situated in the
14 United States that is thematically tied with the na-
15 tionally significant events that occurred during the
16 War of 1812.

17 **SEC. 104. STUDY.**

18 (a) PREPARATION.—The Secretary, acting through
19 the Director, shall prepare a study of Revolutionary War
20 sites and War of 1812 sites.

21 (b) MATTERS TO BE ADDRESSED.—The study under
22 subsection (a) shall—

23 (1) identify Revolutionary War sites and War of
24 1812 sites, including sites within units of the Na-
25 tional Park System in existence on the date of en-
26 actment of this Act;

1 (2) determine the relative significance of the
2 sites;

3 (3) assess short- and long-term threats to the
4 integrity of the sites;

5 (4) provide alternatives for the preservation and
6 interpretation of the sites by Federal, State, and
7 local governments, or other public or private entities,
8 including designation of the sites as units of the Na-
9 tional Park System; and

10 (5) research and propose land preservation
11 techniques.

12 (c) CONSULTATION.—During the preparation of the
13 study under subsection (a), the Director shall consult
14 with—

15 (1) the Governor of each affected States:

16 (2) each affected unit of local government;

17 (3) State and local historic preservation organi-
18 zations;

19 (4) scholarly organizations; and

20 (5) such other interested parties as the Sec-
21 retary considers advisable.

22 (d) TRANSMITTAL TO CONGRESS.—Not later than 2
23 years after the date on which funds are made available
24 to carry out the study under subsection (a), the Director
25 shall transmit a report describing the results of the study

1 to the Committee on Resources of the House of Represent-
2 atives and the Committee on Energy and Natural Re-
3 sources of the State.

4 (e) REPORT.—If the Director submits a report on the
5 study to the Director of the Office of Management and
6 Budget, the Secretary shall concurrently transmit copies
7 of the report to the Committee on Resources of the House
8 of Representatives and the Committee on Energy and
9 Natural Resources of the Senate.

10 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this title \$750,000, to remain available until expended.

13 **TITLE II—AMERICAN BATTLE-**
14 **FIELD PROTECTION PRO-**
15 **GRAM**

16 **SEC. 201. SHORT TITLE.**

17 This title may be cited as the “American Battlefield
18 Protection Act of 1995”.

19 **SEC. 202. PURPOSE.**

20 The purpose of this title is to assist citizens, public
21 and private institutions, and governments at all levels in
22 planning, interpreting, and protecting sites where historic
23 battles were fought on American soil during the armed
24 conflicts that shaped the growth and development of the
25 United States, in order that present and future genera-

1 tions may learn and gain inspiration from the ground
2 where Americans made their ultimate sacrifice.

3 **SEC. 203. DEFINITIONS.**

4 In this title:

5 (1) **BATTLEFIELD.**—The term “battlefield”
6 means an area that is listed (or is eligible for listing)
7 in the National Register of Historic Places, or in a
8 comparable State or local register for historic prop-
9 erties, consisting of—

10 (A) lands, waters, or interests therein, and
11 improvements thereon, where armed conflict oc-
12 curred; and

13 (B) lands, waters, or interests therein, and
14 improvements thereon in the immediate vicinity
15 where combatants prepared for, advanced to-
16 ward, or retreated from the conflict,
17 including any lands, waters, interests, and improve-
18 ments adjacent to or related to the area that are
19 necessary to protect and interpret the history of the
20 area for the benefit of present and future genera-
21 tions.

22 (2) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior, acting through the Di-
24 rector of the National Park Service.

1 **SEC. 204. PRESERVATION ASSISTANCE.**

2 (a) IN GENERAL.—The Secretary may study and pro-
3 vide technical and financial assistance for the planning,
4 identification, interpretation, stabilization, and acquisition
5 of American battlefields in furtherance of the purposes of
6 this title.

7 (b) ASSISTANCE UNDER OTHER LAW.—Assistance
8 under this title shall be supplemental to any other assist-
9 ance provided under any other law.

10 (c) COOPERATIVE AGREEMENTS.—

11 (1) PURPOSE.—The Secretary shall provide as-
12 sistance under this title by means of cooperative
13 agreements.

14 (2) CONTENTS.—A cooperative agreement shall
15 contain—

16 (A) an agreement on the part of the direct
17 beneficiary of financial assistance that, for the
18 period of time specified by the Secretary—

19 (i) no alteration will be made in the
20 property for which the assistance is pro-
21 vided without the concurrence of the Sec-
22 retary; and

23 (ii) reasonable public access will be
24 permitted to the property for interpretive
25 and educational purposes; and

1 (B) such other terms and conditions as the
2 Secretary deems appropriate to protect the pub-
3 lic interest and to further the purposes of this
4 title.

5 (d) PERSONS ELIGIBLE FOR ASSISTANCE.—The Sec-
6 retary may provide assistance under this title directly to
7 Federal, State, and local governments, tribal governments,
8 public and private institutions, individuals, corporations,
9 groups, or any other interested person or entity.

10 (e) INELIGIBLE PROJECTS.—No financial assistance
11 may be provided under this title—

12 (1) for acquisition or stabilization of land or an
13 interest in land or improvements on land unless the
14 Secretary determines that there is in effect and ap-
15 plicable to the battlefield in which the land is located
16 a battlefield protection plan that supports the pres-
17 ervation of the battlefield in its historic condition; or

18 (2) for normal day-to-day operation and main-
19 tenance of any property.

20 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated such sums
22 as are necessary to carry out this title, to remain available
23 until expended.

1 **SEC. 206. REPEAL.**

2 (a) IN GENERAL.—This title is repealed as of the
3 date that is 10 years after the date of enactment of this
4 title.

5 (b) NO EFFECT ON GENERAL AUTHORITY.—The
6 Secretary may continue to conduct battlefield studies in
7 accordance with other authorities available to the Sec-
8 retary.

9 (c) UNOBLIGATED FUNDS.—Any funds made avail-
10 able under this title that remain unobligated shall be cred-
11 ited to the general fund of the Treasury.

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