

108TH CONGRESS
2^D SESSION

H. R. 4481

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2004

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To amend Public Law 86–434 establishing Wilson’s Creek
National Battlefield in the State of Missouri to expand
the boundaries of the park, 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 “Wilson’s Creek Na-
3 tional Battlefield Boundary Adjustment Act of 2004”.

4 **SEC. 2. EXPANSION OF BOUNDARIES, WILSON’S CREEK NA-
5 TIONAL BATTLEFIELD, MISSOURI.**

6 (a) BOUNDARY EXPANSION; PRIVATE PROPERTY
7 PROTECTIONS.—The first section of Public Law 86–434
8 (16 U.S.C. 430kk) is amended—

9 (1) by striking “That the Secretary” and in-
10 sserting the following:

11 **“SECTION 1. WILSON’S CREEK NATIONAL BATTLEFIELD: ES-
12 TABLISHMENT AND ACQUISITION OF LANDS.**

13 “(a) ESTABLISHMENT, INITIAL BOUNDARIES.—The
14 Secretary”; and

15 (2) by adding at the end the following new sub-
16 sections:

17 “(b) EXPANSION OF BOUNDARIES.—(1) The bound-
18 aries of the Wilson’s Creek National Battlefield are revised
19 to include lands and interests therein consisting of six par-
20 cels totaling 615 acres and identified as parcels ‘1, 2, 3,
21 4, 5, and 6’ on the map entitled ‘Wilson’s Creek National
22 Battlefield Proposed Boundary’, numbered 410/80,037
23 and dated January 27, 2004. The map shall be on file
24 and available for public inspection in the appropriate of-
25 fices of the National Park Service.

1 “(2) The Secretary is authorized to acquire the lands
2 referred to in paragraph (1) by donation, by purchase
3 from willing sellers with donated or appropriated funds,
4 or by exchange. The Secretary may acquire by the same
5 methods personal property associated with, and appro-
6 priate for, interpretation of the park.

7 “(c) ACCESS TO PRIVATE PROPERTY.—Nothing in
8 this Act shall be construed to—

9 “(1) require any private property owner to
10 allow public access (including Federal, State, or local
11 government access) to such private property; or

12 “(2) modify any provision of Federal, State, or
13 local law with regard to public access to or use of
14 private property.

15 “(d) LIABILITY.—The revision of the boundaries of
16 the Wilson’s Creek National Battlefield by subsection (b)
17 shall not be considered to create any liability for, or to
18 have any effect on any liability under any other law of,
19 any owner of private property with respect to any person
20 injured on that private property.

21 “(e) RECOGNITION OF AUTHORITY TO CONTROL
22 LAND USE.—Nothing in this Act shall be construed to
23 modify the authority of Federal, State, or local govern-
24 ments to regulate land use.

1 “(f) PARTICIPATION OF PRIVATE PROPERTY OWN-
2 ERS.—Nothing in this Act shall be construed to require
3 the owner of any private property located within the
4 boundaries of the Wilson’s Creek National Battlefield to
5 participate in, or be associated with, the National Battle-
6 field.

7 “(g) EFFECT OF EXPANSION.—The boundaries of
8 the Wilson’s Creek National Battlefield, as revised by sub-
9 section (b), represent the area within which Federal funds
10 appropriated for the purpose of this Act may be expended.
11 The boundary revision shall not be construed to provide
12 any nonexistent regulatory authority on land use within
13 the National Battlefield or its viewshed by the Secretary
14 or the National Park Service.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 3 of such Act (16 U.S.C. 430mm) is amended by adding
17 at the end the following new sentence: “There are author-
18 ized to be appropriated such sums as may be necessary
19 to carry out section 1(b).”.

Passed the House of Representatives September 13,
2004.

Attest:

JEFF TRANDAHL,

Clerk.