

## **Public Law 104-333, 16 USC 469k**

### **The American Battlefield Protection Program Act of 1996, as amended**

by the Civil War Battlefield Preservation Act of 2002 (Public Law 107-359, 111 Stat. 3016, 17 December 2002)

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#### SEC. 604. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

(a) **SHORT TITLE-** This section may be cited as the 'American Battlefield Protection Act of 1996'.

(b) **PURPOSE-** The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(a) **FINDINGS-** Congress finds the following:

(1) Civil War battlefields provide a means for the people of the United States to understand a tragic period in the history of the United States.

(2) According to the Report on the Nation's Civil War Battlefields, prepared by the Civil War Sites Advisory Commission, and dated July 1993, of the 384 principal Civil War battlefields--

(A) almost 20 percent are lost or fragmented;

(B) 17 percent are in poor condition; and

(C) 60 percent have been lost or are in imminent danger of being fragmented by development and lost as coherent historic sites.

(b) **PURPOSES-** The purposes of this Act are--

(1) to act quickly and proactively to preserve and protect nationally significant Civil War battlefields through conservation easements and fee-simple purchases of those battlefields from willing sellers; and

(2) to create partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance nationally significant Civil War battlefields.

\*Section listed as addendum pending codification in 16 U. S. C. 469k, American Battlefield Protection Program

(c) **Preservation Assistance-**

(1) **IN GENERAL-** Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in

partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE- To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated \$3,000,000 annually to carry out this subsection, to remain available until expended.

(d) BATTLEFIELD ACQUISITION GRANT PROGRAM-

(1) DEFINITIONS- In this subsection:

(A) BATTLEFIELD REPORT- The term 'Battlefield Report' means the document entitled 'Report on the Nation's Civil War Battlefields', prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY- The term 'eligible entity' means a State or local government.

(C) ELIGIBLE SITE- The term 'eligible site' means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report

(D) SECRETARY- The term 'Secretary' means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT- The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS- An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

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

(5) LIMITATION ON LAND USE- An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3)).

(6) REPORTS-

(A) IN GENERAL- Not later than 5 years after the date of the enactment of this subparagraph, the Secretary shall submit to Congress a report on the activities carried out under this subsection.

(B) UPDATE OF BATTLEFIELD REPORT- Not later than 2 years after the date of the enactment of this subsection, the Secretary shall

submit to Congress a report that updates the Battlefield Report to reflect--

- (i) Preservation activities carried out at the 384 battlefields during the period between publication of the Battlefield Report and the update;
- (ii) Changes in the condition of the battlefields during that period; and
- (iii) Any other relevant developments relating to the battlefields during that period.

(7) AUTHORIZATION OF APPROPRIATIONS-

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

(B) UPDATE OF BATTLEFIELD REPORT- There are authorized to be appropriated to the Secretary to carry out paragraph (6)(B), \$500,000.'; and

(e) Repeal-

(1) IN GENERAL- This section is repealed on September 30, 2008.

(2) NO EFFECT ON GENERAL AUTHORITY- The Secretary may continue to conduct battlefield studies and provide battlefield acquisition grants in accordance with other authorities available to the Secretary.

(3) UNOBLIGATED FUNDS- Any funds made available under this section that remain unobligated shall be credited to the general fund of the Treasury.

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