

Public Law 108–394
108th Congress

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.

Oct. 30, 2004
[H.R. 4481]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wilson’s Creek National Battlefield Boundary Adjustment Act of 2004”.

SEC. 2. EXPANSION OF BOUNDARIES, WILSON’S CREEK NATIONAL BATTLEFIELD, MISSOURI.

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

(1) by striking “That the Secretary” and inserting the following:

“SECTION 1. WILSON’S CREEK NATIONAL BATTLEFIELD: ESTABLISHMENT AND ACQUISITION OF LANDS.

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

(2) by adding at the end the following new subsections:

“(b) **EXPANSION OF BOUNDARIES.**—(1) The boundaries of the Wilson’s Creek National Battlefield are revised to include lands and interests therein consisting of six parcels totaling 615 acres and identified as parcels ‘1, 2, 3, 4, 5, and 6’ on the map entitled ‘Wilson’s Creek National Battlefield Proposed Boundary’, numbered 410/80,037 and dated January 27, 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

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

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

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

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

“(d) **LIABILITY.**—The revision of the boundaries of the Wilson’s Creek National Battlefield by subsection (b) shall not be considered

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National
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Boundary
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of 2004.
16 USC 430kk
note.

to create any liability for, or to have any effect on any liability under any other law of, any owner of private property with respect to any person injured on that private property.

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

“(f) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Wilson’s Creek National Battlefield to participate in, or be associated with, the National Battlefield.

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

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

Approved October 30, 2004.

LEGISLATIVE HISTORY—H.R. 4481 (S. 2432):

HOUSE REPORTS: No. 108-651 (Comm. on Resources).

SENATE REPORTS: No. 108-371 accompanying S. 2432 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 150 (2004):

Sept. 13, considered and passed House.

Oct. 10, considered and passed Senate.