

104TH CONGRESS
1ST SESSION

H. R. 1091

To improve the National Park System in the Commonwealth of Virginia.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 1995

Mr. BLILEY (for himself, Mr. GOODLATTE, Mr. BATEMAN, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Resources

A BILL

To improve the National Park System in the Commonwealth of Virginia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—RICHMOND NATIONAL**
4 **BATTLEFIELD**

5 **SEC. 101. MODIFICATION OF BOUNDARY.**

6 The first section of the Act of March 2, 1936 (Chap-
7 ter 113; 49 Stat. 1155) is amended to read as follows:

8 “SEC. 1. (a) In order to preserve the site of the 1862
9 Peninsular Campaign and the 1864–65 battle of Rich-
10 mond, in the vicinity of Richmond, Virginia, as a national

1 battlefield park for the benefit and inspiration of the peo-
2 ple of the United States, there is hereby established, sub-
3 ject to existing rights, the Richmond National Battlefield
4 Park (hereinafter in this Act referred to as the 'Park').

5 “(b) The Park shall consist of the lands, waters, and
6 interests therein within the area generally depicted on the
7 map entitled ‘ _____’, numbered _____, and
8 dated _____. The map shall be on file and available for
9 public inspection in the office of the National Park Serv-
10 ice, Department of the Interior.”.

11 **SEC. 102. REPEAL OF PROVISION REGARDING PROPERTY**
12 **ACQUISITION.**

13 The Act of March 2, 1936 (Chapter 113; 49 Stat.
14 1155) is amended by striking section 2.

15 **SEC. 103. ADMINISTRATION.**

16 Section 3 of the Act of March 2, 1936 (Chapter 113;
17 49 Stat. 1156) is redesignated as section 2 and is amend-
18 ed by striking the period and inserting “, and the Act of
19 August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).”.

20 **TITLE II—SHENANDOAH**
21 **NATIONAL PARK**

22 **SEC. 201. MODIFICATION OF BOUNDARY.**

23 The boundary of Shenandoah National Park is here-
24 by modified as depicted on the map entitled
25 “ _____”, numbered _____, and dated

1 ____, and so much of the Act of May 22, 1926 (44 Stat.
2 616) as is inconsistent herewith is hereby repealed.

3 **SEC. 202. REQUIREMENT OF TRANSFER OF COUNTY ROAD**
4 **CORRIDORS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Secretary of the
7 Interior shall transfer to the Commonwealth of Virginia,
8 without consideration or reimbursement, all right, title,
9 and interest of the United States in and to all county road
10 corridors that were located within the Shenandoah Na-
11 tional Park on the day before the date of the enactment
12 of this Act and are removed from such Park by the bound-
13 ary modification made by section 201.

14 (b) DEFINITIONS.—For purposes of this section:

15 (1) COUNTY ROAD CORRIDOR.—The term
16 “county road corridor” means a corridor that is
17 comprised of any Shenandoah county road together
18 with an amount of land, which is contiguous with
19 the road and which is selected by the Secretary of
20 the Interior in consultation with the Governor of the
21 Commonwealth of Virginia, such that the total width
22 of the corridor is 50 feet.

23 (2) SHENANDOAH COUNTY ROAD.—The term
24 “Shenandoah county road” means any portion of a
25 road that is open to public vehicle usage and that,

1 on the date of the enactment of this Act, constitutes
2 part of—

- 3 (A) Madison County Route 600;
- 4 (B) Rockingham County Route 624;
- 5 (C) Rockingham County Route 625;
- 6 (D) Rockingham County Route 626;
- 7 (E) Warren County Route 604;
- 8 (F) Page County Route 759;
- 9 (G) Page County Route 611;
- 10 (H) Page County Route 682;
- 11 (I) Page County Route 662;
- 12 (J) Augusta County Route 611;
- 13 (K) Augusta County Route 619;
- 14 (L) Albemarle County Route 614;
- 15 (M) Augusta County Route 661;
- 16 (N) Rockingham County Route 663;
- 17 (O) Rockingham County Route 659;
- 18 (P) Page County Route 669;
- 19 (Q) Rockingham County Route 661;
- 20 (R) Criser Road (to Town of Front Royal);

21 or

22 (S) the road connecting Criser Road and
23 the in-holding of the Warren County School
24 Board.

1 **TITLE III—COLONIAL NATIONAL**
2 **HISTORICAL PARK**

3 **SEC. 301. MODIFICATION OF BOUNDARY.**

4 Notwithstanding the provisions of the Act of June 28,
5 1938 (52 Stat. 1208; 16 U.S.C. 81b, 81d), limiting the
6 average width of the Colonial Parkway, the Secretary of
7 the Interior (hereinafter in this title referred to as the
8 “Secretary”) is authorized to include within the Colonial
9 National Historical Park, and to acquire by purchase, do-
10 nation, or exchange, lands and interests in lands (with or
11 without improvements) within the areas depicted on the
12 map dated August 1993, numbered 333/80031A, and enti-
13 tled “Page Landing Addition to Colonial National Histori-
14 cal Park”. Such map shall be on file and available for in-
15 spection in the offices of the National Park Service at Co-
16 lonial National Historical Park and in Washington, Dis-
17 trict of Columbia.

18 **SEC. 302. TRANSFER OF SEWAGE DISPOSAL SYSTEM AND**
19 **RIGHTS-OF-WAY.**

20 (a) IN GENERAL.—The Secretary is authorized to
21 transfer, without reimbursement (except as provided in
22 subsection (c)), to York County, Virginia, any portion of
23 the existing sewage disposal system, including related im-
24 provements and structures, that is owned by the United
25 States and located within the Colonial National Historical

1 Park, together with such rights-of-way as the Secretary
2 determines to be necessary to maintain and operate such
3 system.

4 (b) REPAIR AND REHABILITATION OF SYSTEM.—The
5 Secretary is authorized to enter into a cooperative agree-
6 ment with York County, Virginia, under which the Sec-
7 retary will pay a portion, not to exceed \$110,000, of the
8 costs of repair and rehabilitation of the sewage disposal
9 system referred to in subsection (a).

10 (c) EFFECT OF AGREEMENT ON CHARGES, IMPACT,
11 AND ALTERATIONS.—In consideration for the rights-of-
12 way granted under subsection (a), in recognition of the
13 contribution authorized under subsection (b), and as a
14 condition of the transfer authorized by subsection (a), the
15 cooperative agreement under subsection (b) shall provide
16 for a reduction in, or the elimination of, the amounts
17 charged to the National Park Service for its sewage dis-
18 posal with respect to the Colonial National Historical
19 Park, shall provide for minimizing the impact of the park's
20 sewage disposal system on the park and its resources, and
21 shall provide that such system may not be enlarged or sub-
22 stantially altered without the concurrence of the director
23 of the National Park Service.

1 **SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out this title.

4 **TITLE IV—SHENANDOAH VAL-**
5 **LEY NATIONAL BATTLE-**
6 **FIELDS**

7 **SEC. 401. SHORT TITLE.**

8 This title may be cited as the “Shenandoah Valley
9 National Battlefields Partnership Act of 1995”.

10 **SEC. 402. CONGRESSIONAL FINDINGS.**

11 The Congress finds that—

12 (1) there are situated in the Shenandoah Valley
13 in the Commonwealth of Virginia the sites of several
14 key Civil War battles;

15 (2) certain sites, battlefields, structures, and
16 districts in the Shenandoah Valley are collectively of
17 national significance in the history of the Civil War;

18 (3) in 1990, the Congress enacted legislation di-
19 recting the Secretary of the Interior to prepare a
20 comprehensive study of significant sites and struc-
21 tures associated with Civil War battles in the Shen-
22 andoah Valley;

23 (4) the study, which was completed in 1992,
24 found that many of the sites within the Shenandoah
25 Valley possess national significance and retain a
26 high degree of historical integrity;

1 (5) the preservation and interpretation of these
2 sites will make a vital contribution to the under-
3 standing of the heritage of the United States;

4 (6) the preservation of Civil War sites within a
5 regional framework requires cooperation among local
6 property owners and Federal, State, and local gov-
7 ernment entities; and

8 (7) partnerships between Federal, State, and
9 local governments, the regional entities of such gov-
10 ernments, and the private sector offer the most ef-
11 fective opportunities for the enhancement and man-
12 agement of the Civil War battlefields and related
13 sites in the Shenandoah Valley.

14 **SEC. 403. STATEMENT OF PURPOSE.**

15 The purposes of this title are to—

16 (1) preserve, conserve, and interpret the legacy
17 of the Civil War in the Shenandoah Valley;

18 (2) recognize and interpret important events
19 and geographic locations representing key Civil War
20 battles in the Shenandoah Valley, including those
21 battlefields associated with the Thomas J. (Stone-
22 wall) Jackson campaign of 1862 and the decisive
23 campaigns of 1864;

24 (3) recognize and interpret the effect of the
25 Civil War on the civilian population of the Shen-

1 Shenandoah Valley during the war and postwar recon-
2 struction period; and

3 (4) create partnerships among Federal, State,
4 and local governments, the regional entities of such
5 governments, and the private sector to preserve, con-
6 serve, enhance, and interpret the nationally signifi-
7 cant battlefields and related sites associated with the
8 Civil War in the Shenandoah Valley.

9 **SEC. 404. DEFINITIONS.**

10 For purposes of this title:

11 (1) The term “battlefields” means the Shen-
12 andoah Valley National Battlefields established by
13 section 405.

14 (2) The term “Commission” means the Shen-
15 andoah Valley National Battlefields Commission es-
16 tablished by section 409.

17 (3) The term “historic core” means the area
18 that surrounds each unit of the battlefields, is de-
19 picted on the map referred to in section 405(a), en-
20 compasses important components of a conflict, and
21 provides a strategic context and geographic setting
22 for understanding the conflict.

23 (4) The term “plan” means the Shenandoah
24 Valley National Battlefields plan approved by the
25 Secretary under section 406.

1 (5) The term “Secretary” means the Secretary
2 of the Interior.

3 (6) The term “Shenandoah Valley” means the
4 Shenandoah Valley in the Commonwealth of Vir-
5 ginia.

6 **SEC. 405. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.**

7 (a) ESTABLISHMENT.—(1) To carry out the purposes
8 of this title, there is hereby established the Shenandoah
9 Valley National Battlefields in the Commonwealth of Vir-
10 ginia. The battlefields shall consist of approximately 1,863
11 acres of lands and interests therein as generally depicted
12 on the map entitled “Shenandoah Valley National Battle-
13 fields”, numbered SHVA/80,000, and dated April 1994,
14 comprising units at Cedar Creek, Cross Keys, Fisher’s
15 Hill, McDowell, New Market, Opequan, Port Republic,
16 Second Kernstown, Second Winchester, and Tom’s Brook.

17 (2) The map referred to in paragraph (1) shall be
18 on file and available for public inspection in the offices
19 of the Commission and in the appropriate offices of the
20 National Park Service.

21 (3) The Secretary may, with the advice of the Com-
22 mission and following an opportunity for public comment,
23 make minor revisions to the boundaries of the battlefields.

24 (b) ADMINISTRATION.—The Secretary shall admin-
25 ister the battlefields in accordance with this title and with

1 provisions of law generally applicable to the National Park
2 System, including the Act of August 25, 1916 (39 Stat.
3 535; 16 U.S.C. 1, 2, 3, 4) and the Act of August 21, 1935
4 (49 Stat. 666; 16 U.S.C. 461–467). The Secretary shall
5 protect, manage, and administer the battlefields for the
6 purposes of preserving and interpreting their natural, cul-
7 tural, and historic resources and of providing for public
8 understanding and appreciation of the battlefields, in such
9 a manner as to perpetuate these qualities and values for
10 future generations.

11 (c) LAND ACQUISITION.—(1) Except as otherwise
12 provided in this subsection, the Secretary is authorized to
13 acquire lands and interests therein within the boundaries
14 of the battlefields by donation, purchase with donated or
15 appropriated funds, or exchange, except that no lands or
16 interests therein may be acquired under this title except
17 with the consent of the owner thereof.

18 (2) Lands or interests therein that are located within
19 the battlefields or a historic core area and are owned by
20 the Commonwealth of Virginia, or a political subdivision
21 thereof, may be acquired by the Secretary under this title
22 only by donation or exchange.

23 (3) The Secretary may not accept, under this title,
24 donations of lands or interests therein acquired through
25 condemnation.

1 (d) LIVING HISTORY DEMONSTRATIONS AND BAT-
2 TLEFIELD ENACTMENTS.—The Secretary shall allow, at
3 any location in the battlefields, any living history dem-
4 onstration or battlefield reenactment that is the same as
5 or substantially similar to a demonstration or reenactment
6 that occurred at such location at any time during the 12-
7 month period ending on the date of the enactment of this
8 Act. The Secretary may allow, at any location in the bat-
9 tlefields, any living history demonstration or battlefield re-
10 enactment that is not described in the preceding sentence
11 but that the Secretary determines to be appropriate.

12 **SEC. 406. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**
13 **PLAN.**

14 (a) IN GENERAL.—The battlefields shall be managed
15 by the Secretary pursuant to this title and the Shen-
16 andoah Valley National Battlefields plan developed by the
17 Commission and approved by the Secretary, as provided
18 in this section.

19 (b) SPECIFIC PROVISIONS.—The plan shall include—
20 (1) recommendations of potential boundary
21 modifications to the battlefields, including modifica-
22 tions to the boundaries of the historic core of each
23 unit, and the potential addition of new units to the
24 battlefields;

1 (2) provisions for the management, protection,
2 and interpretation of the natural, cultural, and his-
3 torical resources of the battlefields, consistent with
4 the purposes of this title;

5 (3) recommendations to the Commonwealth of
6 Virginia (and political subdivisions thereof) for the
7 management, protection, and interpretation of the
8 natural, cultural, and historical resources of the his-
9 toric core areas;

10 (4) the information described in section 12(b)
11 of Public Law 91–383 (16 U.S.C. 1a–7(b)) (pertain-
12 ing to the preparation of general management
13 plans);

14 (5) identification of appropriate partnerships
15 between the Secretary, Federal, State, and local gov-
16 ernments and regional entities, and the private sec-
17 tor, in furtherance of the purposes of this title;

18 (6) proposed locations for visitor contact and
19 major interpretive facilities, including proposals for
20 one interpretive facility in the upper Shenandoah
21 Valley and one in the lower Shenandoah Valley;

22 (7) provisions for implementing a continuing
23 program of interpretation and visitor education con-
24 cerning the resources and values of the battlefields
25 and historic core areas;

1 (8) provisions for a uniform valley-wide histori-
2 cal marker and wayside exhibit program, including a
3 provision for marking, with the consent of the
4 owner, historic structures and properties that are
5 contained within the historic core areas and contrib-
6 ute to the understanding of the battlefields; and

7 (9) recommendations for means of ensuring
8 continued local involvement and participation in the
9 management, protection, and development of the
10 battlefields.

11 (c) PREPARATION OF DRAFT PLAN.—(1) Not later
12 than 3 years after the date on which the Commission con-
13 ducts its first meeting, the Commission shall submit to
14 the Secretary a draft plan that meets the requirements
15 of subsection (b).

16 (2) Prior to submitting the draft plan to the Sec-
17 retary, the Commission shall ensure that—

18 (A) the Commonwealth of Virginia, and any po-
19 litical subdivision thereof that would be affected by
20 the plan, receives a copy of the draft plan;

21 (B) adequate notice of the availability of the
22 draft plan is provided through publication in appro-
23 priate local newspapers in the area of the battle-
24 fields; and

1 (C) at least one public hearing in the vicinity of
2 the battlefields in the upper Shenandoah Valley and
3 one public hearing in the vicinity of the battlefields
4 in the lower Shenandoah Valley is conducted by the
5 Commission with respect to the draft plan.

6 (d) REVIEW OF PLAN BY THE SECRETARY.—The
7 Secretary shall review the draft plan submitted under sub-
8 section (c) and, not later than 90 days after the date on
9 which the draft plan is submitted, shall either—

10 (1) approve the draft plan as the plan; or

11 (2) reject the draft plan and recommend to the
12 Commission modifications that would make the draft
13 plan acceptable.

14 **SEC. 407. COOPERATIVE AGREEMENTS.**

15 (a) IN GENERAL.—In furtherance of the purposes of
16 this title, the Secretary may establish partnerships and
17 enter into cooperative agreements concerning lands, and
18 interests therein, within the battlefields and historic core
19 areas with other Federal, State, or local agencies, and pri-
20 vate persons and organizations.

21 (b) HISTORIC MONUMENTS.—The Secretary may
22 enter into an agreement with the owner of property that
23 is located in the battlefields, or in an historic core area,
24 and on which an historic monument or tablet commemo-
25 rating a relevant battle has been erected prior to the date

1 of the enactment of this Act. The Secretary may make
2 funds available for the maintenance, protection, and inter-
3 pretation of the monument or tablet, as the case may be,
4 pursuant to the agreement.

5 **SEC. 408. GRANT PROGRAM.**

6 (a) IN GENERAL.—(1) The Secretary may award
7 grants and provide technical assistance, to owners of prop-
8 erty located within the battlefields and historic core areas,
9 to provide for the preservation and interpretation of the
10 natural, cultural, and historical resources within the bat-
11 tlefields and historic core areas.

12 (2)(A) The Secretary, after consultation with the
13 Commission, may award grants and provide technical as-
14 sistance to governmental entities to assist with the plan-
15 ning, development, and implementation of comprehensive
16 plans, land use guidelines, regulations, ordinances, or
17 other appropriate documents, that are consistent with and
18 designed to protect the historic character of the battle-
19 fields and historic core areas.

20 (B) The Commission shall conduct a regular review
21 of plans, guidelines, regulations, ordinances, and docu-
22 ments with respect to which the Secretary has awarded
23 a grant under this paragraph. If the Commission finds
24 that any such plan, guideline, regulation, ordinance, or
25 document, or the implementation thereof, is no longer con-

1 sistent with the protection of the historic character of the
2 battlefields and historic core areas the Commission may
3 recommend, after consultation with the affected govern-
4 mental entity, that the Secretary suspend any grant
5 awarded pursuant to this paragraph with respect to the
6 plan, guideline, regulation, ordinance, or document.

7 (C) The Secretary, after consultation with the Com-
8 mission, shall suspend any grant awarded under this para-
9 graph if the Secretary has determined that the plan,
10 guideline, regulation, ordinance, or document with respect
11 to which the grant is awarded is modified in a manner
12 that is inconsistent with the protection of the historic
13 character of the battlefields and historic core areas.

14 (b) COST SHARE.—The Federal share of any grant
15 made under this section may not exceed the amount of
16 non-Federal funds provided for the preservation, interpre-
17 tation, planning, development, or implementation with re-
18 spect to which the grant is awarded.

19 (c) ADDITIONAL CONDITIONS.—The Secretary may
20 require such additional terms and conditions before
21 awarding any grant under this section as the Secretary
22 determines to be necessary.

1 **SEC. 409. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**

2 **COMMISSION.**

3 (a) ESTABLISHMENT.—There is hereby established
4 the Shenandoah Valley National Battlefields Commission.

5 (b) MEMBERSHIP.—The Commission shall be com-
6 posed of 19 members, to be appointed by the Secretary
7 as follows:

8 (1) 5 members representing local governments
9 of communities in the vicinity of the battlefields, ap-
10 pointed after the Secretary considers recommenda-
11 tions made by appropriate local governing bodies.

12 (2) 10 members representing property owners
13 within the battlefields or historic core areas (1 mem-
14 ber within each unit of the battlefields).

15 (3) 1 member with demonstrated expertise in
16 historic preservation.

17 (4) 1 member who is a recognized historian
18 with expertise in Civil War history.

19 (5) The Governor of Virginia, or a designee of
20 the Governor, ex officio.

21 (6) The Director of the National Park Service,
22 or a designee of the Director, ex officio.

23 (c) APPOINTMENTS.—Members of the Commission
24 shall be appointed for staggered terms of 3 years, as des-
25 ignated by the Secretary at the time of the initial appoint-
26 ment. Any member of the Commission appointed for a

1 definite term may serve after the expiration of the term
2 until the successor of the member is appointed.

3 (d) ELECTION OF OFFICERS.—The Commission shall
4 elect one of its members as Chairperson and one as Vice
5 Chairperson. The terms of office of the Chairperson and
6 Vice Chairperson shall be 2 years. The Vice Chairperson
7 shall serve as Chairperson in the absence of the Chair-
8 person.

9 (e) VACANCY.—Any vacancy on the Commission shall
10 be filled in the same manner in which the original appoint-
11 ment was made, except that the Secretary shall fill any
12 vacancy within 30 days after the vacancy occurs.

13 (f) QUORUM.—A majority of the Commission shall
14 constitute a quorum.

15 (g) MEETINGS.—The Commission shall meet at the
16 call of the Chairperson or a majority of the members of
17 the Commission, but not less than quarterly. Notice of
18 Commission meetings and agendas for the meetings shall
19 be published in local newspapers that have a distribution
20 throughout the Shenandoah Valley. Commission meetings
21 shall be held at various locations throughout the Shen-
22 andoah Valley and in a manner that ensures adequate
23 public participation.

1 (h) STAFF OF THE COMMISSION.—The Commission
2 shall have the power to appoint and fix the compensation
3 of such staff as may be necessary to carry out its duties.

4 (i) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
5 ministrator of the General Services Administration shall
6 provide to the Commission, on a reimbursable basis, such
7 administrative support services as the Commission may re-
8 quest.

9 (j) FEDERAL AGENCIES.—Upon request of the Com-
10 mission, the head of any Federal agency may detail to the
11 Commission, on a reimbursable basis, personnel of the
12 agency to assist the Commission in carrying out its duties.

13 (k) SUBPOENAS.—The Commission may not issue
14 subpoenas or exercise any subpoena authority.

15 (l) EXPENSES.—Members of the Commission shall
16 serve without compensation, but the Secretary may reim-
17 burse members for expenses reasonably incurred in carry-
18 ing out the responsibilities of the Commission under this
19 title.

20 (m) MAILS.—The Commission may use the United
21 States mails in the same manner and under the same con-
22 ditions as other departments and agencies of the United
23 States.

24 (n) GIFTS.—The Commission may, for purposes of
25 carrying out the duties of the Commission, seek, accept,

1 and dispose of gifts, bequests, or donations of money, per-
2 sonal property, or services, received from any source.

3 (o) TERMINATION.—The Commission shall terminate
4 at the expiration of the 45-day period beginning on the
5 date on which the Secretary approves the plan under sec-
6 tion 406(d).

7 **SEC. 410. DUTIES OF THE COMMISSION.**

8 (a) IN GENERAL.—The Commission shall—

9 (1) develop the plan and draft plan referred to
10 in section 406, in consultation with the Secretary;

11 (2) advise the Secretary on the administration
12 of the battlefields;

13 (3) assist the Commonwealth of Virginia, and
14 any political subdivision thereof, in the management,
15 protection, and interpretation of the natural, cul-
16 tural, and historical resources within the historic
17 core areas, except that the Commission shall in no
18 way infringe upon the authorities and policies of the
19 Commonwealth of Virginia or any political subdivi-
20 sion thereof; and

21 (4) take appropriate action to encourage protec-
22 tion of the natural, cultural, and historic resources
23 within the battlefields and historic core areas by
24 landowners, local governments, organizations, and
25 businesses.

1 (b) ASSISTANCE TO NONPROFIT ORGANIZATIONS.—
2 The Commission may assist any nonprofit organization in
3 the management, protection, and interpretation of the nat-
4 ural, cultural, and historical resources within the historic
5 core areas.

6 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION.—There are authorized to be ap-
8 propriated such sums as may be necessary to carry out
9 this title, except that not more than \$250,000 may be ap-
10 propriated for any fiscal year for the establishment and
11 operation of the Commission.

12 (b) AVAILABILITY OF FUNDS.—Funds made avail-
13 able under subsection (a) shall remain available until ex-
14 pended.

○

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