

103^D CONGRESS
2^D SESSION

S. 1033

AN ACT

To establish the Shenandoah Valley National Battlegrounds and Commission in the Commonwealth of Virginia, and for other purposes.

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To establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shenandoah Valley
5 National Battlefields Partnership Act of 1994”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) there are situated in the Shenandoah Valley
4 in the Commonwealth of Virginia the sites of several
5 key Civil War battles;

6 (2) certain sites, battlefields, structures, and
7 districts in the Shenandoah Valley are collectively of
8 national significance in the history of the Civil War;

9 (3) in 1990 Congress enacted legislation direct-
10 ing the Secretary of the Interior to prepare a com-
11 prehensive study of significant sites and structures
12 associated with Civil War battles in the Shenandoah
13 Valley;

14 (4) the study, which was completed in 1992,
15 found that many of the sites within the Shenandoah
16 Valley possess national significance and retain a
17 high degree of historical integrity;

18 (5) the preservation and interpretation of these
19 sites will make a vital contribution to the under-
20 standing of the heritage of the United States;

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

25 (7) partnerships between Federal, State, and
26 local governments and their regional entities, and

1 the private sector offer the most effective opportuni-
2 ties for the enhancement and management of the
3 Civil War battlefields and related sites in the Shen-
4 andoah Valley.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are to—

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

9 (2) recognize and interpret important events
10 and geographic locations representing key Civil War
11 battles in the Shenandoah Valley, including those
12 battlefields associated with the Thomas J. (Stone-
13 wall) Jackson campaign of 1862 and the decisive
14 campaigns of 1864;

15 (3) recognize and interpret the effect of the
16 Civil War on the civilian population of the Shen-
17 andoah Valley during the war and postwar recon-
18 struction period; and

19 (4) create partnerships among Federal, State,
20 and local governments and their regional entities,
21 and the private sector to preserve, conserve, enhance
22 and interpret the nationally significant battlefields
23 and related sites associated with the Civil War in the
24 Shenandoah Valley.

1 **SEC. 4. DEFINITIONS.**

2 As used in this Act, the term—

3 (1) “battlefields” means the Shenandoah Valley
4 National Battlefields established under section 5;

5 (2) “Commission” means the Shenandoah Val-
6 ley National Battlefields Commission established in
7 section 9;

8 (3) “historic core” means the area surrounding
9 each unit of the battlefields as depicted on the map
10 referenced in section 5(a) that encompasses impor-
11 tant components of a conflict and that provides a
12 strategic context and geographic setting for under-
13 standing the conflict;

14 (4) “plan” means the Shenandoah Valley Na-
15 tional Battlefields plan approved by the Secretary
16 pursuant to section 6;

17 (5) “Secretary” means the Secretary of the In-
18 terior; and

19 (6) “Shenandoah Valley” means the Shen-
20 andoah Valley in the Commonwealth of Virginia.

21 **SEC. 5. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS.**

22 (a) ESTABLISHMENT.—(1) To carry out the purposes
23 of this Act, there is hereby established the Shenandoah
24 Valley National Battlefields in the Commonwealth of Vir-
25 ginia. The battlefields shall consist of approximately 1,863
26 acres of lands and interests therein as generally depicted

1 on the map entitled “Shenandoah Valley National Battle-
2 fields”, numbered SHVA / 80,000 and dated April 1994,
3 comprising units at Cedar Creek, Cross Keys, Fisher’s
4 Hill, McDowell, New Market, Opequan, Port Republic,
5 Second Kernstown, Second Winchester, and Tom’s Brook.

6 (2) The map referred to in paragraph (1) shall be
7 on file and available for public inspection in the offices
8 of the Commission and in the appropriate offices of the
9 National Park Service.

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

13 (b) ADMINISTRATION.—The Secretary shall admin-
14 ister the battlefields in accordance with this Act and with
15 provisions of law generally applicable to the National Park
16 System, including the Act approved August 25, 1916 (39
17 Stat. 535; 16 U.S.C. 1, 2–4) and the Act approved August
18 21, 1935 (49 Stat. 666). The Secretary shall protect,
19 manage, and administer the battlefields for the purposes
20 of preserving and interpreting their natural, cultural and
21 historic resources and of providing for public understand-
22 ing and appreciation of the battlefields in such a manner
23 as to perpetuate these qualities and values for future gen-
24 erations.

1 (c) LAND ACQUISITION.—(1) Except as otherwise
2 provided in this subsection, the Secretary is authorized to
3 acquire lands and interests therein within the boundaries
4 of the battlefields by donation, purchase with donated or
5 appropriated funds, or exchange: *Provided*, That no lands
6 or interests therein may be acquired except with the con-
7 sent of the owner thereof.

8 (2) Lands or interests therein within the battlefields
9 that are owned by the Commonwealth of Virginia or a po-
10 litical subdivision thereof, may be acquired only by dona-
11 tion or exchange.

12 (3) The Secretary may not accept donations of lands
13 or interests therein acquired through condemnation.

14 **SEC. 6. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**
15 **PLAN.**

16 (a) IN GENERAL.—The battlefields shall be managed
17 by the Secretary pursuant to this Act and the Shenandoah
18 Valley National Battlefields plan developed by the Com-
19 mission and approved by the Secretary, as provided in this
20 section.

21 (b) SPECIFIC PROVISIONS.—The plan shall include—

22 (1) recommendations of potential boundary
23 modifications to the battlefields, including modifica-
24 tions to the boundaries of the historic core of each
25 unit, and the potential addition of new units;

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 Act;

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 and other Federal, State, and
16 local governments and regional entities, and the pri-
17 vate sector, in furtherance of the purposes of this
18 Act;

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

23 (7) provisions for implementing a continuing
24 program of interpretation and visitor education con-

cerning the resources and values of the battlefields
and historic core areas; and

(8) provisions for a uniform valley-wide historical marker and wayside exhibit program, including a provision for marking, with the consent of the owner, historic structures and properties contained within the historic core areas, as identified on the map referred to in section 5(a), that contribute to the understanding of the battlefields.

(c) PREPARATION OF DRAFT PLAN.—(1) Not later than 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a draft plan that meets the requirements of subsection (b).

(2) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—

(A) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;

(B) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the battlefields; and

(C) at least one public hearing in the vicinity of the battlefields in the upper Shenandoah Valley and

1 one public hearing in the vicinity of the battlefields
2 in the lower Shenandoah Valley is conducted by the
3 Commission with respect to the draft plan.

4 (d) REVIEW OF PLAN BY THE SECRETARY.—The
5 Secretary shall review the draft plan, and, not later than
6 90 days after the date on which the draft plan is submit-
7 ted, shall either—

8 (1) approve the plan; or

9 (2) reject the plan and recommend modifica-
10 tions to the Commission that would make the plan
11 acceptable.

12 **SEC. 7. COOPERATIVE AGREEMENTS.**

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

19 (b) HISTORIC MONUMENTS.—The Secretary may
20 enter into agreements with the owners of property in the
21 battlefields and historic core areas on which historic
22 monuments and tablets commemorating the battles have
23 been erected prior to the date of enactment of this Act.
24 The Secretary may make funds available for the mainte-

1 nance, protection, and interpretation of the monuments
2 and tablets pursuant to such agreements.

3 **SEC. 8. GRANT PROGRAM.**

4 (a) IN GENERAL.—(1) Within the battlefields and
5 historic core areas, the Secretary may award grants and
6 provide technical assistance to property owners to pro-
7 vided for the preservation and interpretation of the natu-
8 ral, cultural, and historical resources within the battle-
9 fields and historic core areas.

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

18 (B) The Commission shall conduct a regular review
19 of approved plans, guidelines, regulations, ordinances, or
20 documents. If the Commission finds that any such plan,
21 guideline, regulation, ordinance, or document or the imple-
22 mentation thereof is no longer consistent with the protec-
23 tion of the historic character of the battlefields and his-
24 toric core areas, after consultation with the affected gov-
25 ernmental entity, the Commission may recommend that

1 the Secretary withdraw approval and suspend any grant
2 authority pursuant to this section.

3 (C) The Secretary, after consultation with the Com-
4 mission, shall suspend any grant awarded under this para-
5 graph if the Secretary has determined that such plans,
6 guidelines, regulations, ordinances, or documents are
7 modified in a manner that is inconsistent with the protec-
8 tion of the historic character of the battlefields and his-
9 toric core areas.

10 (b) COST SHARE.—The Federal share of any grant
11 made under this section shall be matched by non-Federal
12 funds on a one-to-one basis.

13 (c) ADDITIONAL CONDITIONS.—The Secretary may
14 require such additional terms and conditions before
15 awarding any grant as the Secretary determines to be nec-
16 essary.

17 **SEC. 9. SHENANDOAH VALLEY NATIONAL BATTLEFIELDS**
18 **COMMISSION.**

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

21 (b) MEMBERSHIP.—The commission shall be com-
22 posed of 19 members, to be appointed by the Secretary
23 as follows:

24 (1) 5 members representing local governments
25 of communities in the vicinity of the battlefields,

1 after considering recommendations made by appro-
2 priate local governing bodies.

3 (2) 10 members representing property owners
4 within the battlefields or historic core areas (1 mem-
5 ber within each unit).

6 (3) 1 member with demonstrated expertise in
7 historic preservation.

8 (4) 1 member who is a recognized historian
9 with expertise in Civil War history.

10 (5) The Governor of Virginia, or a designee of
11 the Governor, ex officio.

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

14 (c) APPOINTMENTS.—Members of the Commission
15 shall be appointed for staggered terms of 3 years, as des-
16 ignated by the Secretary at the time of the initial appoint-
17 ment. Any member of the Commission appointed for a
18 definite term may serve after the expiration of the term
19 until the successor of the member is appointed.

20 (d) ELECTION OF OFFICERS.—The Commission shall
21 elect one of its members as Chairperson and one as Vice
22 Chairperson. Terms of the Chairperson and Vice Chair-
23 person shall be 2 years. The Vice Chairperson shall serve
24 as Chairperson in the absence of the Chairperson.

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

5 (f) QUORUM.—A majority of the Commission shall
6 constitute a quorum.

7 (g) MEETINGS.—The Commission shall meet not less
8 than quarterly, or at the call of the Chairperson or a ma-
9 jority of the members of the Commission. Notice of meet-
10 ings and agendas shall be published in local newspapers
11 that have a distribution throughout the Shenandoah Val-
12 ley. Commission meetings shall be held at various locations
13 throughout the Shenandoah Valley and in a manner that
14 ensures adequate public participation.

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

18 (i) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
19 ministrator of the General Services Administration shall
20 provide to the Commission, on a reimbursable basis, such
21 administrative support services as the Commission may re-
22 quest.

23 (j) FEDERAL AGENCIES.—Upon request of the Com-
24 mission, the head of any Federal agency may detail to the

1 Commission, on a reimbursable basis, personnel of the
2 agency to assist the Commission in carrying out its duties.

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

5 (l) EXPENSES.—Members of the Commission shall
6 serve without compensation, but the Secretary may reim-
7 burse members for expenses reasonably incurred in carry-
8 ing out the responsibilities of the Commission under this
9 Act.

10 (m) MAILS.—The Commission may use the United
11 States mails in the same manner and under the same con-
12 ditions as other departments and agencies of the United
13 States.

14 (n) GIFTS.—The Commission may, for purposes of
15 carrying out the duties of the Commission, seek, accept,
16 and dispose of gifts, bequests, or donations of money, per-
17 sonal property, or services, received from any source.

18 **SEC. 10. DUTIES OF THE COMMISSION.**

19 The Commission shall—

20 (1) develop the plan referred to in section 6, in
21 consultation with the Secretary;

22 (2) advise the Secretary on the administration
23 of the battlefields;

24 (3) assist the Commonwealth of Virginia, or
25 any political subdivision thereof, or any nonprofit or-

1 ganization, in the management, protection, and in-
2 terpretation of the natural, cultural and historical
3 resources within the historic core areas: *Provided,*
4 *however,* That the Commission shall in no way in-
5 fringe upon the authorities and policies of the Com-
6 monwealth of Virginia or any political subdivision
7 thereof; and

8 (4) take appropriate action to encourage protec-
9 tion of the natural, cultural, and historic resources
10 within the battlefields and historic core areas by
11 landowners, local governments, organizations, and
12 businesses.

13 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) AUTHORIZATION.—There are authorized to be ap-
15 propriated such sums as are necessary to carry out this
16 Act, except that no more than \$250,000 may be appro-
17 priated for the establishment and operation of the Com-
18 mission.

1 (b) AVAILABILITY OF FUNDS.—Funds made avail-
2 able under subsection (a) shall remain available until ex-
3 pended.

Passed the Senate June 8 (legislative day, June 7),
1994.

Attest:

Secretary.

S 1033 ES—2

S 1033 ES—3

S 1033 ES—4

S 1033 ES—5