

116TH CONGRESS
1ST SESSION

H. R. 3725

To designate the Civil War Defenses of Washington National Historical Park comprised of certain National Park System lands, and by affiliation and cooperative agreements other historically significant resources, located in the District of Columbia, Virginia, and Maryland, that were part of the Civil War defenses of Washington and related to the Shenandoah Valley Campaign of 1864, to study ways in which the Civil War history of both the North and South can be assembled, arrayed, and conveyed for the benefit of the public, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2019

Ms. NORTON introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To designate the Civil War Defenses of Washington National Historical Park comprised of certain National Park System lands, and by affiliation and cooperative agreements other historically significant resources, located in the District of Columbia, Virginia, and Maryland, that were part of the Civil War defenses of Washington and related to the Shenandoah Valley Campaign of 1864, to study ways in which the Civil War history of both the North and South can be assembled, arrayed, and conveyed for the benefit of the public, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Civil War Defenses of Washington National Historical
 6 Park Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Redesignation.

Sec. 4. Areas included in Civil War Defenses of Washington National Historical
 Park.

Sec. 5. Possible inclusion of additional areas.

Sec. 6. National Civil War History Education Center report.

Sec. 7. Administration.

Sec. 8. Definitions.

9 **SEC. 2. FINDINGS AND PURPOSES.**

10 (a) FINDINGS.—The Congress finds and declares as
 11 follows:

12 (1) It is fitting and helpful for Americans to re-
 13 member the Civil War, 1861–1865, and to reflect
 14 upon, and learn from, the storied history, valor,
 15 heartbreak, and suffering of both sides in this tragic
 16 war that so divided and scarred the young Nation,
 17 but that also served as a crucible for the Nation to
 18 secure itself as the United States and preserve the
 19 Union, abolish the injustice of slavery, and become
 20 the beacon of hope as a democracy that it has be-
 21 come for the world.

1 (2) The significance of the Civil War to the fu-
2 ture of the United States is incalculable. The war's
3 lessons and meaning to the history of the United
4 States, what it stands for, and its place in the world
5 today must be remembered and conveyed to future
6 generations. The war pitted family against family,
7 brother against brother, friend against friend, Blue
8 against Gray. Its battlegrounds were consecrated
9 with blood that was shed by many who gave their
10 last full measure of devotion. The reunited democ-
11 racy that emerged, after such a heavy loss of life on
12 both sides and the difficult decades of healing that
13 followed, made the United States stronger. It helped
14 the Nation advance toward achieving the inalienable
15 rights and noble goals and values its founders
16 sought, but had not fully achieved, in their lifetimes.

17 (3) The defenses of Washington played a key
18 role in the outcome of the Civil War. They were con-
19 structed at the beginning of the war in 1861 as a
20 ring of fortifications in the District of Columbia,
21 Maryland, and northern Virginia, to protect the Na-
22 tion's capital. By the end of the war, these defenses
23 included 68 forts, 93 unarmed batteries, 807 mount-
24 ed cannon, 13 miles of rifle trenches, and 32 miles
25 of military roads.

1 (4) The major test of the Civil War defenses of
2 Washington came with the Shenandoah Valley Cam-
3 paign of 1864 when Confederate Lieutenant General
4 Jubal Early marched from Richmond to Lynchburg,
5 Virginia, and through the Shenandoah Valley to
6 Harpers Ferry, West Virginia, and Frederick, Mary-
7 land. His major objective, as directed to him by
8 General Robert E. Lee, was to attack the Nation's
9 capital from the north, causing Union Forces to be
10 withdrawn from threatening Richmond, the capital
11 of the Confederacy. He was delayed by Union Major
12 General Lew Wallace at the Battle of Monocacy on
13 July 9, 1864, and was stopped at the northern edge
14 of the District of Columbia at the Battle of Fort
15 Stevens on July 11–12, 1864. The Shenandoah Val-
16 ley Campaign ended when Union Lieutenant General
17 Philip Sheridan defeated General Early at the Battle
18 of Cedar Creek, Virginia, on October 19, 1864.

19 (5) The Battle of Fort Stevens was the second
20 and last attempt by the Confederate Army to attack
21 Washington. The first major effort to surround or
22 capture the Nation's capital ended at Gettysburg in
23 July 1863. After that historic battle, in his address
24 at Gettysburg Cemetery on November 19, 1863,
25 President Abraham Lincoln redefined what was at

1 stake: “a new nation, conceived in liberty, and dedi-
2 cated to the proposition that all men are created
3 equal . . . that this nation, under God, shall have
4 a new birth of freedom—and that government of the
5 people, by the people, and for the people shall not
6 perish from the earth.”.

7 (6) The Battle of Fort Stevens was the only
8 verifiable time that a sitting United States President
9 (Abraham Lincoln) came under hostile fire during a
10 battle while in office. Nearly all the individual forts
11 in the defenses of Washington (on both sides of the
12 Potomac and Anacostia Rivers) were involved in
13 stopping General Early’s attack. Had that one battle
14 at the very edge of Washington been lost, the Na-
15 tion’s capital, the Presidency, the Union Govern-
16 ment, and emancipation all would have been poten-
17 tially lost and the history of the United States dra-
18 matically changed. The victory at Fort Stevens not
19 only saved the city and the national government, but
20 also led to the October 1864 victories for the Union
21 in the Shenandoah Valley, which ensured Lincoln’s
22 re-election and preservation of the Union at that
23 critical moment.

24 (7) After the end of the war, most of the Civil
25 War defenses of Washington were returned to pri-

1 vate land owners, but many were retained by the
2 military or the lands were repurchased later by the
3 United States. Of the remaining fortifications in
4 public ownership, 19 sites (including Battleground
5 Cemetery) are owned by the Federal Government
6 and managed by the National Park Service, four are
7 owned by local units of government in northern Vir-
8 ginia, and one is owned by Montgomery County,
9 Maryland.

10 (8) In 1902, the Senate McMillan Commission
11 issued a Report on the Improvement of the Park
12 System of Washington (U.S. Senate Committee on
13 the District of Columbia, Senate Report No. 166,
14 57th Congress, 1st Session). The Report called for
15 development of a “Fort Drive” to connect the Civil
16 War defenses of Washington in the Nation’s capital.
17 Congress appropriated funds to purchase lands for
18 the Fort Drive during the 1930s, but it was never
19 fully completed.

20 (9) Most of the remaining Civil War defenses of
21 Washington contain significant natural and rec-
22 reational resources, and some offer sweeping vistas
23 overlooking the Nation’s capital. With the lands ac-
24 quired for the Fort Drive, they provide a linkage of
25 urban green spaces that contribute to the history,

1 character, and scenic values of the Nation's capital
2 and offer educational and recreational opportunities
3 along with their natural and important historical
4 values.

5 (10) Sites associated with the Civil War de-
6 fenses of Washington that are in Federal ownership
7 within the District of Columbia, the Commonwealth
8 of Virginia, and the State of Maryland are managed
9 under three separate units of the National Park
10 Service (Rock Creek Park, National Capital Parks—
11 East, and the George Washington Memorial Park-
12 way). Action by Congress is needed to protect and
13 aid the educational benefits of the unique place in
14 history of these sites through proper management,
15 stabilization, maintenance, development, use, and,
16 importantly, interpretation.

17 (11) It is fitting and proper that, as Americans
18 reflect upon the legacy of the Civil War, we more
19 fully understand and appreciate the roles of the bat-
20 tles in the District of Columbia, Virginia, West Vir-
21 ginia, and Maryland related to the defenses of
22 Washington. Taken together, these battles were piv-
23 otal to the outcome of the war and therefore to its
24 impact on the promise of the United States. It is
25 therefore in the national interest that these histori-

1 cally important sites and resources be protected
2 from further damage or loss and that they be pre-
3 served, enhanced, and interpreted for the use, enjoy-
4 ment, and education of present and future genera-
5 tions.

6 (12) There is a genuine need and compelling
7 reason for the United States to rededicate itself to
8 and honor the vision and ideals of democracy as re-
9 flected in the Constitution by commemorating and
10 interpreting through this National Historical Park
11 the epic story of the American Civil War and the
12 profound and lasting impact of the war on the val-
13 ues, capabilities, and strengths that the United
14 States reflects through the ideals that it stands for
15 in the world today.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to protect, preserve, enhance, and interpret
18 for the benefit and use of present and future genera-
19 tions the cultural, historical, natural, and rec-
20 reational resources of the Civil War defenses of
21 Washington located in the District of Columbia, Vir-
22 ginia, and Maryland; and

23 (2) to study and consider creative and cost-ef-
24 fective ways that the storied history of the Civil
25 War, including the defenses of Washington and the

1 Shenandoah Valley Campaign of 1864, can be as-
2 sembled, arrayed, and effectively conveyed to and for
3 the benefit of the public.

4 **SEC. 3. REDESIGNATION.**

5 The Civil War defenses of Washington are hereby re-
6 designated as the Civil War Defenses of Washington Na-
7 tional Historical Park.

8 **SEC. 4. AREAS INCLUDED IN CIVIL WAR DEFENSES OF**
9 **WASHINGTON NATIONAL HISTORICAL PARK.**

10 (a) AREAS UNDER THE ADMINISTRATION OF THE
11 NATIONAL PARK SERVICE.—The National Historical
12 Park shall include all areas associated with the Civil War
13 defenses of Washington that are currently owned by the
14 Federal Government and under the administration of the
15 National Park Service, each as depicted on appropriate
16 maps maintained by the Secretary of the Interior, includ-
17 ing the following:

18 (1) The following fortifications and associated
19 lands:

20 (A) Battery Kemble.

21 (B) Fort Bayard.

22 (C) Fort Bunker Hill.

23 (D) Fort Carroll.

24 (E) Fort Chaplin.

25 (F) Fort Davis.

1 (G) Fort DeRussy.

2 (H) Fort Dupont.

3 (I) Fort Foote.

4 (J) Fort Greble.

5 (K) Fort Mahan.

6 (L) Fort Marcy.

7 (M) Fort Reno.

8 (N) Fort Ricketts.

9 (O) Fort Slocum.

10 (P) Fort Stanton.

11 (Q) Fort Stevens.

12 (R) Fort Totten.

13 (2) The following affiliated National Park
14 Areas:

15 (A) Fort Circle Drive.

16 (B) Battleground National Cemetery.

17 (C) Fort Washington.

18 (D) Oxon Cove Park and Oxon Hill Farm.

19 (b) POTENTIAL AFFILIATION OF ELIGIBLE AREAS
20 OWNED BY LOCAL GOVERNMENTS.—Any site associated
21 with the Civil War defenses of Washington that is owned
22 by a unit of local government in Virginia, Maryland, or
23 the District of Columbia, may become affiliated with the
24 National Historical Park pursuant to a cooperative agree-

1 ment entered into between the unit of local government
2 concerned and the Secretary, including the following:

3 (1) In Virginia:

4 (A) Fort Ward, City of Alexandria.

5 (B) Fort C.F. Smith, Arlington County.

6 (C) Fort Ethan Allen, Arlington County.

7 (D) Fort Willard, Fairfax County.

8 (2) In Maryland: Battery Bailey, Montgomery
9 County.

10 **SEC. 5. POSSIBLE INCLUSION OF ADDITIONAL AREAS.**

11 (a) AFFILIATION AUTHORITY.—Any site associated
12 with the Civil War defenses of Washington that is owned
13 by a private individual or organization or a unit of local
14 government in the District of Columbia, Virginia, or
15 Maryland, other than those listed in section 4, that the
16 Secretary determines is eligible for affiliation with the Na-
17 tional Historical Park, may be affiliated with the National
18 Historical Park pursuant to a cooperative agreement en-
19 tered into between the site owner and the Secretary. The
20 Secretary may purchase such properties from willing sell-
21 ers, subject to the availability of private sector donated
22 funding or appropriations.

23 (b) CONSENT REQUIRED.—No non-Federal property
24 may be included in the National Historical Park without
25 the written consent of the owner of the property.

1 (c) PROHIBITION ON USE OF CONDEMNATION.—The
2 Secretary may not acquire by condemnation any land or
3 interest in land under this Act or for the purposes of this
4 Act.

5 (d) CONSULTATION AND PUBLIC PARTICIPATION.—
6 The Secretary shall consult with interested officials of
7 State governments and units of local government, rep-
8 resentatives of interested organizations, and interested
9 members of the public before executing a cooperative
10 agreement under this section or section 7(d).

11 **SEC. 6. NATIONAL CIVIL WAR HISTORY EDUCATION CEN-**
12 **TER REPORT.**

13 (a) IN GENERAL.—In furtherance of and consistent
14 with section 2, the Secretary shall study and consider cre-
15 ative and cost-effective ways to facilitate the storied his-
16 tory of the Civil War for both the North and the South,
17 including the history of the defenses of Washington and
18 the Shenandoah Valley Campaign of 1864, being assem-
19 bled, arrayed, and conveyed for the benefit of the public
20 for the knowledge, education, and inspiration of this and
21 future generations about the impact of that war on the
22 United States and its fledgling democracy, abolition of
23 slavery, free enterprise economic system, culture, art,
24 music, and national security capabilities.

1 (b) ASSISTANCE.—In conducting the study, the Sec-
2 retary shall seek and coordinate the assistance of a wide
3 array of expertise of individuals and organizations regard-
4 ing Civil War history, potential locations where this sto-
5 ried history may be shared, including adaptive reuse of
6 existing structures, and donated funding resources to help
7 facilitate carrying out this section.

8 (c) REPORT.—Not later than one year after the date
9 of the enactment of this Act, the Secretary shall submit
10 a report with recommendations regarding the study re-
11 quired by subsection (a) to the Committee on Natural Re-
12 sources of the House of Representatives and the Com-
13 mittee on Energy and Natural Resources of the Senate.

14 **SEC. 7. ADMINISTRATION.**

15 (a) IN GENERAL.—The Secretary shall administer
16 the National Historical Park in accordance with this Act
17 and the laws generally applicable to units of the National
18 Park System.

19 (b) TECHNICAL ASSISTANCE.—The Secretary may
20 provide technical assistance to local governments and pri-
21 vate individuals and organizations for the management,
22 interpretation, and preservation of historically significant
23 resources associated with the Civil War defenses of Wash-
24 ington.

1 (c) DONATIONS.—The Secretary may accept, hold,
2 administer, and use gifts, bequests, devises, and other do-
3 nations, including labor and services, for purposes of this
4 Act, including preserving or providing access to sites and
5 other resources relating to the Civil War defenses of
6 Washington.

7 (d) OTHER COOPERATIVE AGREEMENTS.—In addi-
8 tion to the authority provided by section 5(a), the Sec-
9 retary may enter into cooperative agreements with State
10 governments, units of local government, organizations, or
11 individuals to further the purposes of the Act, including
12 to provide visitor services and administrative facilities
13 within reasonable proximity to the National Historical
14 Park.

15 (e) MARKING OF HISTORICAL SITES.—The Secretary
16 may identify significant federally or nonfederally owned
17 sites relating to the Civil War history in Washington and
18 adjacent environs in northern Virginia and Montgomery
19 County, Maryland, and, with the consent of the owner or
20 owners thereof, mark them appropriately and make ref-
21 erence to them in any interpretive literature.

22 **SEC. 8. DEFINITIONS.**

23 For the purposes of this Act, the following definitions
24 apply:

1 (1) NATIONAL HISTORICAL PARK.—The term
2 “National Historical Park” means the Civil War De-
3 fenses of Washington National Historical Park des-
4 ignated by section 3.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

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