

103^D CONGRESS
1ST SESSION

S. 1033

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

IN THE SENATE OF THE UNITED STATES

MAY 26 (legislative day, APRIL 19), 1993

Mr. WARNER (for himself, Mr. ROBB, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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 1993”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) there are situated in the Shenandoah Valley
2 in the Commonwealth of Virginia the sites of Civil
3 War battles;

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

8 (3) the National Park Service has assessed the
9 suitability and feasibility of recognizing Shenandoah
10 Valley battlefield sites and affiliating these sites with
11 the National Park System, and has found that these
12 sites possess national significance and a high degree
13 of historical integrity;

14 (4) the preservation and interpretation of these
15 sites, battlefields, structures, and districts can make
16 a vital contribution to the understanding of the her-
17 itage of the United States;

18 (5) the goal of preserving Civil War sites within
19 a regional framework is to promote cooperation
20 among local property owners and Federal, State,
21 and local government entities that seek to promote
22 the preservation of sites and places significant to the
23 history of the Nation; and

1 (6) partnerships between Federal, State, and
2 local governments and their regional entities, and
3 the private sector—

4 (A) offer the most effective opportunities
5 for the enhancement and management of the
6 Civil War battlefields and related sites in the
7 Shenandoah Valley; and

8 (B) are best fostered through establish-
9 ment of a regionwide Commission.

10 **SEC. 3. PURPOSES.**

11 The purposes of this Act are to—

12 (1) preserve, conserve, and interpret the legacy
13 of the Civil War in the Shenandoah Valley of
14 Virginia;

15 (2) recognize and interpret important events
16 and geographic locations in the conduct of the Civil
17 War in the Shenandoah Valley of Virginia, including
18 those battlefields associated with the Thomas J.
19 (Stonewall) Jackson Campaign of 1862 and the de-
20 cisive campaigns of 1864;

21 (3) recognize and interpret the effect of war on
22 the civilian population of the Valley during the war
23 and the postwar reconstruction period;

24 (4) create partnerships among Federal, State,
25 and local governments and their regional entities,

1 and the private sector to preserve, conserve, en-
2 hance, and interpret the nationally significant battle-
3 fields and related sites associated with the Civil War
4 in the Shenandoah Valley; and

5 (5) establish and maintain a geographic
6 database and information system that can be used
7 to locate, track, and cross reference significant his-
8 torical and cultural properties, structures, and
9 markers.

10 **SEC. 4. DEFINITIONS.**

11 For the purposes of this Act:

12 (1) **BATTLEFIELDS.**—The term “Battlefields”
13 means the Shenandoah Valley National Battlefields
14 established under section 101.

15 (2) **COMMISSION.**—The term “Commission”
16 means the Shenandoah Valley National Battlefields
17 Commission established under title II.

18 (3) **CONTRIBUTING AREAS.**—The term “con-
19 tributing areas” means those areas identified in the
20 National Park Service study, “Civil War Sites in the
21 Shenandoah Valley of Virginia”, that encompass all
22 important components of a conflict that provide a
23 strategic context and geographic setting for under-
24 standing the conflict.

1 (4) HERITAGE PLAN.—The term “Heritage
2 Plan” means the Shenandoah Valley National Herit-
3 age Plan approved pursuant to section 102.

4 (5) HISTORIC CORE.—The term “historic core”
5 means areas identified in the National Park Service
6 study, “Civil War Sites in the Shenandoah Valley of
7 Virginia”, containing sites of confrontation deploy-
8 ment, heaviest fighting, and most severe casualties.

9 (6) MAJOR INTERPRETATIVE FACILITY.—The
10 term “major interpretative facility” means a year-
11 round staffed facility that may serve as the head-
12 quarters for the Commission, provides an orientation
13 to the Battlefields, and, through interpretive exhibits
14 and media, communicates to the public the story of
15 the Civil War in the Shenandoah Valley of Virginia.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 **TITLE I—SHENANDOAH VALLEY**
19 **NATIONAL BATTLEFIELDS**

20 **SEC. 101. ESTABLISHMENT OF THE SHENANDOAH VALLEY**
21 **NATIONAL BATTLEFIELDS.**

22 (a) ESTABLISHMENT.—To carry out the purpose of
23 this Act, there is established the Shenandoah Valley Na-
24 tional Battlefields.

25 (b) BOUNDARIES.—

1 (1) IN GENERAL.—The Battlefields shall consist
2 of approximately 1,140 acres as generally depicted
3 on the map entitled “Shenandoah Valley National
4 Battlefields”, numbered _____ and dated
5 _____, located in the counties
6 of Frederick, Highland, Rockingham, Shenandoah,
7 and in the city of Winchester, Virginia.

8 (2) AVAILABILITY OF MAP.—The map shall be
9 on file and available for public inspection in the of-
10 fices of the Commission and in the offices of the
11 National Park Service.

12 (3) REVISIONS.—The Secretary may, with the
13 advice of the Commission and following an oppor-
14 tunity for public comment and timely notice to the
15 Committee on Energy and Natural Resources of the
16 Senate and to the Committee on Natural Resources
17 of the House of Representatives, make minor revi-
18 sions to the boundaries of the Battlefields. Any revi-
19 sion shall take effect upon publication by the Sec-
20 retary in the Federal Register of a revised boundary
21 map or other description.

22 (c) ADMINISTRATION.—The Secretary, acting
23 through the Director of the National Park Service, shall
24 manage the Battlefields in accordance with this Act and
25 the provisions of law generally applicable to the National

1 Park System, including the Act of August 25, 1916 (39
2 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August
3 21, 1935 (49 Stat. 666). The Secretary shall protect,
4 manage, and administer the Battlefields for the purposes
5 of preserving and interpreting the cultural and natural re-
6 sources of the historic site and providing for the public
7 understanding and appreciation of the Battlefields in such
8 a manner as to perpetuate these qualities and values for
9 future generations.

10 (d) ACQUISITION.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary is authorized to acquire lands and in-
13 terests in lands with the consent of the landowner—

14 (A) within the Battlefields, by donation,
15 purchase with donated or appropriated funds,
16 or exchange, only with the consent of the land-
17 owners; and

18 (B) within the boundaries of the contribut-
19 ing areas, by donation or exchange pursuant to
20 the Heritage Plan.

21 (2) LIMITATIONS ON AUTHORITY.—

22 (A) STATE OR LOCAL LAND.—Lands, and
23 interests in lands, within the Battlefields or
24 contributing areas, that are owned by a State,
25 county, or municipal entity, or any political sub-

1 division of the entity, may be acquired only by
2 donation or exchange.

3 (B) CONDEMNED LAND.—The Secretary
4 may not accept lands acquired by the State
5 through condemnation.

6 **SEC. 102. ESTABLISHMENT OF THE SHENANDOAH VALLEY**
7 **NATIONAL BATTLEFIELDS HERITAGE PLAN.**

8 (a) IN GENERAL.—Not later than 3 years after the
9 date of enactment of this Act, the Secretary, with the ad-
10 vice of the Commission, shall transmit to Congress for ap-
11 proval a Shenandoah Valley National Battlefields Herit-
12 age Plan that meets the requirements of subsection (c).

13 (b) PREPARATION AND APPROVAL OF THE HERITAGE
14 PLAN.—

15 (1) SUBMISSION OF DRAFT HERITAGE PLAN TO
16 THE SECRETARY.—Not later than 2 years after the
17 date on which the Commission conducts the first
18 meeting of the Commission, the Commission shall
19 submit to the Secretary a draft Shenandoah Valley
20 National Battlefields Heritage Plan that meets the
21 requirements of subsection (c).

22 (2) PUBLIC REVIEW OF DRAFT HERITAGE
23 PLAN.—Prior to submitting the draft Heritage Plan
24 to the Secretary, the Commission shall ensure
25 that—

1 (A) the State and any political subdivision
2 of the State that would be affected by the Her-
3 itage Plan receives notice of the draft Heritage
4 Plan;

5 (B) adequate notice of the draft Heritage
6 Plan is given by publication in the area of the
7 Battlefields; and

8 (C) a public hearing is conducted by the
9 Commission with respect to the draft Heritage
10 Plan.

11 (3) REVIEW OF DRAFT HERITAGE PLAN BY THE
12 SECRETARY.—The Secretary shall review the draft
13 Heritage Plan, and, not later than 90 days after the
14 date on which the draft Heritage Plan is submitted
15 to the Secretary, shall—

16 (A) approve the plan and submit the Plan
17 to Congress for approval; or

18 (B) reject the plan and submit suggestions
19 for modifications to the Commission.

20 (c) SPECIFIC PROVISIONS.—The Heritage Plan shall
21 include—

22 (1) a description of the final boundaries of the
23 Battlefields, including the areas identified as con-
24 tributing areas and historic core areas, giving special
25 consideration to lands containing the locations of the

1 battles of Cool Spring, First and Second Kernstown,
2 and Opequon (Third Winchester);

3 (2) a description of appropriate protection,
4 management, uses, and development of the Battle-
5 fields consistent with the purposes of this Act;

6 (3) the information described in section 12(b)
7 of Public Law 91-383 (16 U.S.C. 1a-7(b));

8 (4) identification of partnerships between the
9 Secretary and other Federal, State, and local gov-
10 ernments and regional entities, and the private sec-
11 tor, for the management of the Battlefields and con-
12 tributing areas;

13 (5) proposed locations for visitor contact and
14 major interpretive facilities, including one interpre-
15 tive facility in the upper valley and the lower valley
16 vicinities;

17 (6) plans for implementing a continuing pro-
18 gram of interpretation and visitor education concern-
19 ing the resources and values of the Battlefields and
20 contributing areas;

21 (7) plans for a uniform valley-wide historical
22 marker and wayside exhibit program, including a
23 provision for marking, with the consent of the
24 owner, historic structures and properties contained
25 in the areas identified in section 101(b) that contrib-

1 ute to the understanding of the Civil War of the
2 Shenandoah Valley;

3 (8) plans for the management of natural and
4 cultural resources of the Battlefields and contribut-
5 ing areas, with particular emphasis on the preserva-
6 tion of historic landscapes and scenes, including a
7 reassessment of the historic integrity of lands within
8 Battlefields every 5 years, or otherwise, as consid-
9 ered necessary by the Commission; and

10 (9) proposals for future operation of conces-
11 sions for the Battlefields by locally owned busi-
12 nesses, certification of Battlefields guides, and a
13 Battlefields-wide interpretive training program.

14 **SEC. 103. PARTNERSHIPS AND COOPERATIVE AGREE-**
15 **MENTS.**

16 (a) IN GENERAL.—

17 (1) AGREEMENTS.—The Secretary may estab-
18 lish partnerships and enter into cooperative agree-
19 ments relating to planning, development, use, man-
20 agement, and interpretation of properties within the
21 Battlefields and contributing areas with other Fed-
22 eral agencies, State and local subdivisions, and pri-
23 vate persons to advance the purposes of this Act.

24 (2) HISTORIC MONUMENTS.—Secretary may
25 enter into agreements with the owners of property in

1 the Battlefields and contributing areas on which his-
2 toric monuments and tablets commemorating the
3 battles have been erected.

4 (b) MAINTENANCE.—The Secretary may make funds
5 available for the maintenance, protection, and interpreta-
6 tion of the monuments and tablets pursuant to the agree-
7 ments.

8 (c) RESTORATION OF PROPERTIES.—Notwithstand-
9 ing any other provision of law, the Secretary may restore
10 and rehabilitate property within the Battlefields and con-
11 tributing areas pursuant to partnerships and cooperative
12 agreements without regard to whether title to the property
13 vests with the United States.

14 (d) INTERIM AUTHORITY.—During the period the
15 Heritage Plan is being prepared, the Secretary may enter
16 into agreements described in subsection (a) to advance the
17 purposes of this Act.

18 **SEC. 104. GRANT PROGRAM.**

19 (a) IN GENERAL.—Within the Battlefields and con-
20 tributing areas, the Secretary may award grants to prop-
21 erty owners and governmental entities and provide tech-
22 nical assistance, information, and advice to promote the
23 use of natural and cultural resources to conserve and
24 maintain the historic character of the area.

25 (b) PLANNING COSTS.—

1 (1) IN GENERAL.—Subject to paragraph (2)
2 and subsection (d), the Secretary, with the advice of
3 the Commission, may award a grant to a State or
4 local government, or regional planning entity that
5 has jurisdiction over the Battlefields or contributing
6 areas, for the development of comprehensive plans
7 and land use guidelines, regulations, and ordinances
8 that are consistent with conserving the historic char-
9 acter of the area.

10 (2) GRANT CONDITIONS.—The Secretary may
11 award a grant under this subsection only upon—

12 (A) submission by the local government or
13 regional planning entity of a comprehensive
14 plan, prepared in consultation with the Com-
15 mission, for the implementation of a strategy
16 designed to protect the historic character of the
17 area; and

18 (B) approval of the strategy by the Sec-
19 retary.

20 (3) AWARD.—An award under this subsection
21 shall be in an amount not to exceed 90 percent of
22 the planning cost incurred by the entity.

23 (c) IMPLEMENTATION GRANTS.—

24 (1) IN GENERAL.—Subject to subsection (d),
25 the Secretary may award a grant to a State or local

1 government, or regional entity to implement a pro-
2 tection plan or strategy approved by the Secretary
3 under subsection (b)(2).

4 (2) SUSPENSION OF GRANTS.—The Secretary,
5 after consulting with the Commission, may suspend
6 the provision of grants under this subsection if the
7 Secretary has withdrawn approval of the protection
8 plan or strategy.

9 (3) REVIEW.—

10 (A) IN GENERAL.—The Commission shall
11 conduct a regular review of approved protection
12 plans and strategies for the purpose of ensuring
13 that the protection plans and strategies con-
14 tinue to meet the requirements of subsection
15 (a).

16 (B) RECOMMENDATION.—If the Commis-
17 sion finds that a protection plan or strategy or
18 the implementation of a protection plan or
19 strategy is no longer in accordance with the
20 purposes of this Act, after consultation with the
21 affected governmental entity, the Commission
22 may recommend that the Secretary withdraw
23 approval of the protection plan or strategy.

1 (d) ADDITIONAL CONDITIONS.—The Secretary may
2 require such terms and conditions as the Secretary deter-
3 mines are necessary to carry out this Act.

4 **TITLE II—SHENANDOAH VALLEY**
5 **NATIONAL BATTLEFIELDS**
6 **COMMISSION**

7 **SEC. 201. ESTABLISHMENT; ADMINISTRATION OF THE COM-**
8 **MISSION.**

9 (a) ESTABLISHMENT.—There is established the
10 Shenandoah Valley National Battlefields Commission.

11 (b) MEMBERSHIP.—The Commission shall be com-
12 posed of the following members:

13 (1) 12 members appointed by the Secretary
14 from recommendations made by appropriate local
15 governing bodies, of whom—

16 (A) 2 members shall represent each of the
17 areas in the historic core, including 1 member
18 who is a property owner in the historic core;

19 (B) 1 member shall be a member of a
20 chamber of commerce from a county in which
21 part of the historic core is located; and

22 (C) 1 member shall be a business leader
23 from a county in which part of the historic core
24 is located.

1 (2) The executive director of the Lord Fairfax
2 Planning District Commission.

3 (3) The executive director of the Central Shen-
4 andoah Planning District Commission.

5 (4) 2 members who have demonstrated exper-
6 tise in historic preservation, appointed by the Sec-
7 retary.

8 (5) 2 members who are recognized historians
9 with expertise in Civil War history, appointed by the
10 Secretary.

11 (6) The executive director or designee from
12 each of the following nonprofit entities that own
13 property within the Battlefields:

14 (A) The National Trust for Historic Pres-
15 ervation/Belle Grove Incorporated.

16 (B) The Cedar Creek Battlefield Founda-
17 tion.

18 (C) The New Market Battlefield Park.

19 (D) The Association for the Preservation
20 of Civil War Sites.

21 (E) The Lee Jackson Foundation.

22 (F) The Stonewall Brigade Foundation.

23 (G) The Society of Port Republic Preserva-
24 tionists.

25 (H) Preservation of Historic Winchester.

1 (7) The Governor of Virginia, or a designee of
2 the Governor, to serve as an ex officio member of
3 the Commission.

4 (8) The Director of the National Park Service,
5 or a designee of the Director, to serve as an ex
6 officio member of the Commission.

7 (c) OPERATIONS.—

8 (1) APPOINTMENTS.—Members of the Commis-
9 sion shall be appointed for staggered terms of 3
10 years, as designated by the Secretary at the time of
11 the initial appointment. Any member of the Commis-
12 sion appointed for a definite term may serve after
13 the expiration of the term until the successor of the
14 member is appointed.

15 (2) ELECTION OF OFFICERS.—The Commission
16 shall elect one of the members of the Commission as
17 Chairperson and one as Vice Chairperson. Terms of
18 the Chairperson and Vice Chairperson shall be 2
19 years. The Vice Chairperson shall serve as Chair-
20 person in the absence of the Chairperson.

21 (3) VACANCY.—Any vacancy on the Commis-
22 sion shall be filled in the same manner in which the
23 original appointment was made, except that the Sec-
24 retary, if responsible for the appointment, shall fill

1 any vacancy within 30 days after the vacancy
2 occurs.

3 (4) QUORUM.—Eleven members of the Commis-
4 sion shall constitute a quorum.

5 (5) MEETINGS.—

6 (A) IN GENERAL.—The Commission shall
7 meet not less than quarterly, or at the call of
8 the Chairperson or a majority of the members
9 of the Commission. Notice of meetings and
10 agendas shall be published in local newspapers
11 that have a distribution throughout the Shen-
12 andoah Valley. Commission meetings shall be
13 held at various locations throughout the Valley
14 and in a manner that ensures adequate public
15 participation.

16 (B) SUBPOENAS.—The Commission may
17 not issue subpoenas or exercise any subpoena
18 authority.

19 (6) EXPENSES.—Members of the Commission
20 shall serve without compensation, but the Secretary
21 may reimburse members for expenses reasonably in-
22 curred in carrying out the responsibilities of the
23 members under this Act.

24 (7) ADMINISTRATIVE SUPPORT SERVICES.—The
25 Administrator of General Services shall provide to

1 the Commission, on a reimbursable basis, such ad-
2 ministrative support services as the Commission may
3 request.

4 (8) **MAILS.**—The Commission may use the
5 United States mails in the same manner and under
6 the same conditions as other departments and agen-
7 cies of the United States.

8 (9) **GIFTS.**—

9 (A) **IN GENERAL.**—The Commission may,
10 for purposes of carrying out the duties of the
11 Commission, seek, accept, and dispose of gifts,
12 bequests, or donations of money, personal prop-
13 erty, or services, received from any source.

14 (B) **GIFTS.**—For the purposes of section
15 170(c) of the Internal Revenue Code of 1954,
16 any gift to the Commission shall be deemed to
17 be a gift to the United States.

18 (d) **STAFF.**—

19 (1) **DIRECTOR.**—The Commission shall have a
20 Director who shall be appointed by the Commission
21 and who shall be paid at a rate not to exceed the
22 maximum rate of basic pay for level GS-14 of the
23 General Schedule.

24 (2) **STAFF.**—The Commission may appoint
25 such additional staff as the Commission considers

1 appropriate and may pay the staff at rates not to
2 exceed the minimum rate of basic pay for level GS-
3 14 of the General Schedule. The staff may include
4 specialists in areas such as interpretation, historic
5 preservation, recreation, conservation, financing, and
6 fundraising.

7 (3) APPOINTMENTS; COMPENSATION.—Except
8 as otherwise provided in this subsection, the Direc-
9 tor and staff—

10 (A) shall be appointed by the Secretary;

11 and

12 (B) shall be paid in accordance with the
13 provisions of chapter 51 and subchapter III of
14 chapter 53 of such title relating to classification
15 and General Schedule pay rates.

16 (4) OTHER AGENCIES.—Upon request of the
17 Commission, the head of any Federal agency may
18 detail to the Commission on a reimbursable basis,
19 personnel of the agency to assist the Commission in
20 carrying out the duties of the Commission under
21 section 202.

22 **SEC. 202. DUTIES OF THE COMMISSION.**

23 (a) DUTIES.—The Commission shall—

24 (1) develop the Heritage Plan in consultation
25 with the National Park Service;

1 (2) assist the State, any political subdivision of
2 the State, or any nonprofit organization in the im-
3 plementation, coordination, protection, promotion,
4 and management of the Battlefields resources in the
5 Shenandoah Valley of Virginia;

6 (3) in providing assistance, in no way infringe
7 upon the authorities and policies of the State or any
8 political subdivision of the State concerning the
9 management of the Battlefields and contributing
10 areas property;

11 (4) take appropriate action to encourage herit-
12 age preservation within the Battlefields and contrib-
13 uting areas by landowners, local governments, orga-
14 nizations, and businesses; and

15 (5) cooperate to promote appropriate levels of
16 heritage tourism in the Shenandoah Valley of Vir-
17 ginia that are compatible with resource protection.

18 (b) MAJOR INTERPRETATIVE FACILITY.—

19 (1) PURCHASE OR LEASE.—The Commission is
20 authorized with the assistance of the General Serv-
21 ices Administration to purchase or lease a facility
22 within the Battlefields to serve as a headquarters
23 and interpretative facility.

1 (2) FUNDING.—Any funds made available for
2 the lease or purchase of an interpretative facility
3 may be authorized from the Federal Building Fund.

4 **TITLE III—AUTHORIZATION OF**
5 **APPROPRIATIONS**

6 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) AUTHORIZATION.—There are authorized to be ap-
8 propriated—

9 (1) such sums as are necessary to carry out
10 title I; and

11 (2) \$250,000 to carry out title II.

12 (b) AVAILABILITY OF FUNDS.—Sums made available
13 under subsection (a) shall remain available until expended.

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