

Public Law 104-333 (H. R. 4236)

Omnibus Parks and Public Lands Management Act of 1996 (Enrolled Bill (Sent to President))

SEC. 606. SHENANDOAH VALLEY BATTLEFIELDS.

- (a) **Short title.**—This section may be cited as the “Shenandoah Valley Battlefields National Historic District and Commission Act of 1996.”
- (b) **Congressional Findings.**—The Congress finds that—
- (1) there are situated in the Shenandoah Valley in the Commonwealth of Virginia the sites of several key Civil War battles;
 - (2) certain sites, battlefields, structures, and districts in the Shenandoah Valley are collectively of national significance in the history of the Civil War;
 - (3) in 1992, the Secretary of the Interior issued a comprehensive study of significant sites and structures associated with Civil War battles in the Shenandoah Valley, and found that many of the sites within the Shenandoah Valley possess national significance and retain a high degree of historical integrity;
 - (4) the preservation and interpretation of these sites will make a vital contribution to the understanding of the heritage of the United States;
 - (5) the preservation of Civil War sites within a regional framework requires cooperation among local property owners and Federal, State, and local government entities; and
 - (6) partnerships between Federal, State, and local governments, the regional entities of such governments, and the private sector offer the most effective opportunities for the enhancement and management of the Civil War battlefields and related sites in the Shenandoah Valley.
- (c) **Statement of Purpose.**—The purposes of this section are to—
- (1) preserve, conserve, and interpret the legacy of the Civil War in the Shenandoah Valley;
 - (2) recognize and interpret important events and geographic locations representing key Civil War battles in the Shenandoah Valley, including those battlefields associated with the Thomas J. (Stonewall) Jackson campaign of 1862 and the decisive campaigns of 1864;
 - (3) recognize and interpret the effect of the Civil War on the civilian population of the Shenandoah Valley during the war and postwar reconstruction period; and
 - (4) create partnerships among Federal, State, and local governments, the regional entities of such governments, and the private sector to preserve, conserve, enhance, and interpret the nationally significant battlefields and related sites associated with the Civil War in the Shenandoah Valley.
- (d) **Definitions.**—As used in this section:
- (1) The term “District” means the Shenandoah Valley Battlefields National Historic District established by section 5.
 - (2) The term “Commission” means the Shenandoah Valley Battlefields National Historic District Commission established by section 9.
 - (3) The term “plan” means the Shenandoah Valley Battlefields National Historic District Commission plan approved by the Secretary under section 6.

- (4) The term “management entity” means a unit of government or nonprofit organization designated by the plan to manage and administer the District.
- (5) The term “Secretary” means the Secretary of the Interior.
- (6) The term “Shenandoah Valley” means the Shenandoah Valley in the Commonwealth of Virginia.

(e) **Shenandoah Valley Battlefields National Historic District.**—

- (1) **Establishment.**—To carry out the purposes of this section, there is hereby established the Shenandoah Valley Battlefields National Historic District in the Commonwealth of Virginia.
- (2) **Boundaries.**—
 - (A) The corridor shall consist of lands and interests therein as generally depicted on the map entitled “Shenandoah Valley National Battlefields”, numbered SHVA/80,000, and dated April 1994.
 - (B) The District shall consist of historic transportation routes linking the units depicted on the map referred to in subparagraph (A).
 - (C) The map referred to in subparagraph (A) shall be on file and available for public inspection in the offices of the Commission, the management entity, and in the appropriate offices of the National Park Service.

(f) **Shenandoah Valley Battlefields National Historic District Plan.**—

- (1) **In general.**—The District shall be managed and administered by the Commission and the management entity in accordance with the purposes of this Act and the Shenandoah Valley Battlefields National Historic District plan developed by the Commission and approved by the Secretary, as provided in this subsection.
- (2) **Specific provisions.**—The plan shall include—
 - (A) an inventory which includes any property in the District which should be preserved, restored, managed, maintained, or acquired because of its national historic significance;
 - (B) provisions for the protection and interpretation of the natural, cultural, and historic resources of the District consistent with the purposes of this section;
 - (C) provisions for the establishment of a management entity which shall be a unit of government or a private nonprofit organization that administers and manages the District consistent with the plan, and possesses the legal ability to—
 - (i) receive Federal funds and funds from other units of government or other organizations for use in preparing and implementing the management plan;
 - (ii) disburse Federal funds to other units of government or other nonprofit organizations for use in preparing and implementing the plan;
 - (iii) enter into agreements with the Federal, State, or other units of government and nonprofit organizations;
 - (iv) acquire lands or interests therein by gift or devise, or by purchase from a willing seller using donated or appropriated funds, or by donation and no lands or interests therein may be acquired by condemnation; and
 - (v) make such reasonable and necessary modifications to the plan which shall be approved by the Secretary;

- (D) recommendations to the Commonwealth of Virginia (and political subdivisions thereof) for the management, protection, and interpretation of the natural, cultural, and historical resources of the District;
- (E) identification of appropriate partnerships between the Federal, State, and local governments and regional entities, and the private sector, in furtherance of the purposes of this section;
- (F) locations for visitor contact and major interpretive facilities;
- (G) provisions for implementing a continuing program of interpretation and visitor education concerning the resources and values of the District;
- (H) provisions for a uniform historical marker and wayside exhibit program in the District, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the District;
- (I) recommendations for means of ensuring continued local involvement and participation in the management, protection, and development of the District; and
- (J) provisions for appropriate living history demonstrations and battlefield reenactments.

(3) Preparation of draft plan.—

- (A) Not later than 3 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 paragraph (2).
- (B) Prior to submitting the draft plan to the Secretary, the Commission shall ensure that—
 - (i) the Commonwealth of Virginia, and any political subdivision thereof that would be affected by the plan, receives a copy of the draft plan;
 - (ii) adequate notice of the availability of the draft plan is provided through publication in appropriate local newspapers in the area of the District; and
 - (iii) at least 1 public hearing in the vicinity of the District is conducted by the Commission with respect to the draft plan.

(4) Review of the plan by the secretary.—The Secretary shall review the draft plan submitted under paragraph (3) and, not later than 90 days after the date on which the draft plan is submitted, shall either—

- (A) approve the draft plan as the plan if the Secretary finds that the plan, when implemented, would adequately protect the significant historical and cultural resources of the District; or
- (B) reject the draft plan and advise the Commission in writing of the reasons therefore and indicate any recommendations for revisions that would make the draft plan acceptable.

(g) Duties of the Secretary.—

- (1) **In general.—**The Secretary may award grants, provide technical assistance and enter into cooperative agreements with the Commission, management entity, other units of government, or other persons to provide for the preservation and interpretation of the natural, cultural, and historical resources within the District.

- (2) **Technical assistance.**—The Secretary may make grants, provide technical assistance, and enter into cooperative agreements for—
 - (A) the preparation and implementation of the plan pursuant to subsection (f);
 - (B) interpretive and educational programs;
 - (C) acquiring lands or interests in lands from willing sellers;
 - (D) capital projects and improvements undertaken pursuant to the plan; and
 - (E) facilitating public access to historic resources within the District.
- (3) **Early actions.**—After enactment of this Act but prior to approval of the plan, the Secretary may provide technical and financial assistance for early actions which are important to the purposes of this Act and which protect and preserve resources in imminent danger of irreversible damage but for the fact of such early action.
- (4) **Acquisition of land.**—The Secretary may acquire land and interests in lands from a willing seller or donee within the District that have been specifically identified by the Commission for acquisition by the Federal Government. No lands or interests therein may be acquired by condemnation.
- (5) **Detail.**—Each fiscal year during the existence of the Commission and upon request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties under section 9. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.
- (6) **Report.**—Not later than 2 years after approval of the plan, the Secretary shall submit to Congress a report recommending whether the District or components thereof meet the criteria for designation as a unit of the National Park Service.
- (7) **Other assistance.**—Nothing in this section shall be deemed to prohibit the Secretary or units of government from providing technical or financial assistance under any other provision of law.

(h) **Shenandoah Valley Battlefields National Historic District Commission.**—

- (1) **Establishment.**—There is hereby established the Shenandoah Valley Battlefields National Historic District Commission.
- (2) **Membership.**—The Commission shall be composed of 19 members, to be appointed by the Secretary as follows:
 - (A) 5 members representing local governments of communities in the vicinity of the District, appointed after the Secretary considers recommendations made by appropriate local governing bodies.
 - (B) 10 members representing property owners within the District (1 member within each unit of the battlefields).
 - (C) 1 member with demonstrated expertise in historic preservation.
 - (D) 1 member who is a recognized historian with expertise in Civil War history.
 - (E) The Governor of Virginia, or a designee of the Governor, *ex officio*.
 - (F) The Director of the National Park Service, or a designee of the Director, *ex officio*.
- (3) **Appointments.**—Members of the Commission shall be appointed for terms of 3 years. Any member of the Commission appointed for a definite term may serve after the expiration of the term until the successor of the member is appointed.

- (4) **Election of officers.**—The Commission shall elect 1 of its members as Chairperson and 1 as Vice Chairperson. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.
- (5) **Vacancy.**—Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary shall fill any vacancy within 30 days after the vacancy occurs.
- (6) **Quorum.**—Any majority of the Commission shall constitute a quorum.
- (7) **Meetings.**—The Commission shall meet at the call of the Chairperson or a majority of the members of the Commission, but not less than quarterly. Notice of the Commission meetings and agendas for the meetings shall be published in local newspapers that have a distribution throughout the Shenandoah Valley. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).
- (8) **Staff of the commission.**—The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.
- (9) **Administrative support services.**—The Administrator of the General Services Administration shall provide to the Commission, without reimbursement, such administrative support services as the Commission may request.
- (10) **Federal agencies.**—Upon request of the Commission, the head of any Federal agency may detail to the Commission or management entity, without reimbursement, personnel of the agency to assist the commission or management entity in carrying out its duties and such detail shall be without interruption or loss of civil service status, benefits, or privileges.
- (11) **Subpoenas.**—The Commission may not issue subpoenas or exercise any subpoena authority.
- (12) **Expenses.**—Members of the Commission shall serve without compensation, but the Secretary may reimburse members for expenses reasonably incurred in carrying out the responsibilities of the Commission under this Act.
- (13) **Mails.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.
- (14) **Gifts.**—The Commission may, for purposes of carrying out the duties of the Commission, seek, accept, and dispose of gifts, bequests, or donations of money, personal or real property, or services received from any source.
- (15) **Termination.**—The Commission shall terminate at the expiration of the 45-day period beginning on the date on which the Secretary approves the plan under subsection (f)(4).

(i) **Duties of the Commission.**—

- (1) **In general.**—The Commission shall—
 - (A) develop the plan and draft plan referred to in subsection (f), in consultation with the Secretary;
 - (B) assist the Commonwealth of Virginia, and any political subdivision thereof, in the management, protection, and interpretation of the natural, cultural, and historical resources within the District, except that the Commission shall in no way infringe upon the authorities and policies of the Commonwealth of Virginia or any political subdivision; and

- (C) take appropriate action to encourage protection of the natural, cultural, and historic resources within the District by landowners, local governments, organizations, and businesses.

(j) **Authorization of Appropriation.**—

- (1) **In general.**—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Commission not more than \$250,000 annually to remain available until expended.
- (2) **Assistance.**—
 - (A) From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the Secretary for grants and technical assistance pursuant to subsections (g) (1), (2), and (3) not more than \$2,000,000 annually to remain available until expended.
 - (B) The Federal share of any funds awarded under subsection (g)(2) may not exceed the amount of non-Federal funds provided for the preservation, interpretation, planning, development, or implementation with respect to which the grant is awarded.
- (3) **Land acquisition.**—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated for land acquisition pursuant to subsection (g)(4) not more than \$2,000,000 annually to remain available until expended.
- (4) **Management entity.**—From the amounts made available to carry out the National Historic Preservation Act, there are authorized to be appropriated to the management entity not more than \$500,000 annually to remain available until expended.