Public Law 101-377
101st Congress

An Act

Aug. 17, 1990
[H.R. 3248]

To revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 430g-4.

SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.

Public information.

(a) LANDS INCLUDED IN THE PARK.—In furtherance of the purposes of the Act entitled "An Act to establish a national military park at Gettysburg, Pennsylvania", approved February 11, 1895 (16 U.S.C. 430g et seq.), the Gettysburg National Military Park (hereafter in this Act referred to as the "park") shall hereafter comprise the lands and interests in lands within the boundary generally depicted as "Park Boundary" on the map entitled "Gettysburg National Military Park Boundary Map", numbered NPS 305/80034-B, and dated March 1990, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

(b) LANDS EXCLUDED FROM THE PARK.—Lands and interests in lands outside of the boundary so depicted as "Park Boundary" on the map referred to in subsection (a) are hereby excluded from the park and shall be disposed of in accordance with the provisions of section 2(c).

16 USC 430g-5.

SEC. 2. ACQUISITION AND DISPOSAL OF LANDS.

Gifts and property.

(a) GENERAL AUTHORITY.—The Secretary is authorized to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds, exchange, or otherwise. In acquiring lands and interests in lands under this Act, the Secretary shall acquire the minimum Federal interests necessary to achieve the objectives identified for specific areas and the park.

(b) AUTHORITY TO CONVEY FREEHOLD AND LEASEHOLD INTERESTS WITHIN PARK.—The Secretary may convey lands and interests in lands within the park authorized in accordance with subsection (a) of the Act of July 15, 1968 (16 U.S.C. 460l-22), except that, notwithstanding subsection (d) of that section, the net proceeds from any such conveyance may be used, subject to appropriations, to acquire lands and interests within the park.

(c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests excluded from the park pursuant to section 1(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date of enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe,

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but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the park and the Gettysburg Battlefield Historic District (hereafter in this Act referred to as the "historic district"). Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION TO PENNSYLVANIA.—With respect to any lands over which the United States exercises exclusive or concurrent legislative jurisdiction and which are excluded from the park pursuant to section 1(b), the Secretary may relinquish to the State of Pennsylvania such exclusive or concurrent legislative jurisdiction by filing with the Governor a notice of relinquishment to take effect upon acceptance thereof, unless otherwise provided by the laws of the State.

SEC. 3. AGREEMENTS WITH RESPECT TO MONUMENTS AND TABLETS LOCATED OUTSIDE PARK BOUNDARY. 16 USC 430g-6.

The Secretary is authorized to enter into agreements with the owners of property in proximity to but outside the boundary of the park on which historic monuments and tablets commemorating the Battle of Gettysburg have been erected on or before January 1, 1990. The Secretary may make funds available, subject to appropriations, for the maintenance, protection, and interpretation of such monuments and tablets pursuant to such agreements. In addition, within the area depicted as the "Gettysburg Battlefield Historic District" on the map referred to in section 1(a), or in proximity thereto, the Secretary may, with the consent of the owner, acquire, by donation, purchase, or exchange, lands and interests comprising such monuments and tablets together with lands and interests necessary to provide adequate public access thereto.

SEC. 4. CONSERVATION WITHIN GETTYSBURG BATTLEFIELD HISTORIC DISTRICT. 16 USC 430g-7.

(a) ENCOURAGEMENT OF CONSERVATION.—The Secretary shall take appropriate action to encourage conservation of the historic district by landowners, local governments, organizations, and businesses.

(b) PRIORITIZATION OF GRANTS.—Within the historic district, the Secretary shall give priority in making grants under section 101(d), and in providing technical assistance, information, and advice under section 101(h), of the National Historic Preservation Act (16 U.S.C. 470a(d), (h)) to those programs and activities in the historic district that will assure development and use of natural and cultural resources in a manner that is consistent with the conservation and maintenance of the district's historic character.

(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to assist local governments in cooperative efforts which complement the values of the park and the historic district and to help landowners prepare individual property plans which meet landowner and conservation objectives in the historic district.

(d) REIMBURSEMENT OF PLANNING COSTS.—The Secretary, under such terms and conditions as the Secretary may prescribe and at the request of any local or county government within the historic

district, shall provide matching reimbursements for up to 50 percent of the planning costs incurred by such government in the development of comprehensive plans and land use guidelines which are consistent with conserving the historic character of the historic district. Reimbursements may only be provided under this subsection to the extent or in such amounts as are provided in appropriation Acts.

(e) ACCEPTANCE OF EASEMENT DONATIONS.—The Secretary, upon recommendation from the Director of the National Park Service, in consultation with the Advisory Commission established under section 5, is authorized to accept donations of conservation easements on land located within the historic district.

(f) FEDERAL CONSISTENCY.—(1) Any Federal or federally assisted activity or undertaking in the historic district, shall be consistent to the maximum extent possible with the purposes of the preservation of the historic district, including its rural, agricultural, and town elements, and shall also comply with the National Historic Preservation Act and other applicable laws.

(2) The head of any Federal agency (hereafter in this subsection referred to as the "agency") having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in the historic district, and the head of any Federal agency having authority to license or permit any undertaking in such area, shall at the earliest feasible date prepare a detailed analysis of any proposed action and submit it to the Secretary.

(3) The Secretary shall review the analysis and consult with the agency. If after such review and consultation, the Secretary finds that the proposed action is not consistent with the purposes identified in this subsection, the agency shall not proceed with the action until after a justification for the action has been submitted to the appropriate committees of Congress with adequate time allowed for Congressional comment. Such justification shall include the following elements: the anticipated effects on the historic and commemorative character of the historic district, the social and economic necessity for the proposed action, all possible alternatives to the proposed action, the comparative benefits of proposed alternative actions, and the mitigation measures outlined in the proposed action.

16 USC 430g–8.

SEC. 5. ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Gettysburg National Military Park Advisory Commission (hereafter in this Act referred to as the "Advisory Commission"). The Advisory Commission shall be composed of eleven members, as follows:

(1) One member representing each of the local governments from the four townships surrounding the park and the Borough of Gettysburg, appointed by the Secretary.

(2) One member representing the Adams County, Pennsylvania government, appointed by the Secretary.

(3) One member representing the State Historic Preservation Office of the State of Pennsylvania, appointed by the Secretary.

(4) Two members who are residents of Adams County and who are knowledgeable about the park and its resources, appointed by the Secretary, one of whom shall own land or interests in land within the park boundary.

(5) One member with expertise in local historic preservation, appointed by the Secretary.

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

Members shall be appointed for staggered terms of three years, as designated by the Secretary at the time of the initial appointments. Any member of the Advisory Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. The Advisory Commission shall designate one of its members as Chairperson. Six members of the Advisory Commission shall constitute a quorum.

(b) MANAGEMENT AND DEVELOPMENT ISSUES.—The Secretary, or his designee, shall from time to time, but at least semiannually, meet and consult with the Advisory Commission to coordinate the management of the park and the historic district with local jurisdictions.

(c) MEETINGS.—The Advisory Commission shall meet on a regular basis. Notice of meetings and agenda shall be published in local newspapers which have a distribution which generally covers the area affected by the park. Advisory Commission meetings shall be held at locations and in such a manner as to ensure adequate public involvement. Public information.

(d) EXPENSES.—Members of the Advisory Commission shall serve without compensation as such, but the Secretary may pay expenses reasonably incurred in carrying out their responsibilities under this Act on vouchers signed by the Chairperson.

(e) CHARTER.—The provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to this Advisory Commission.

SEC. 6. INTERPRETATION. 16 USC 430g-9.

In administering the park, the Secretary shall take such action as is necessary and appropriate to interpret, for the benefit of visitors to the park and the general public, the Battle of Gettysburg in the larger context of the Civil War and American history, including the causes and consequences of the Civil War and including the effects of the war on all the American people.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS. 16 USC 430g-10.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved August 17, 1990.

LEGISLATIVE HISTORY—H.R. 3248 (S. 1594):

HOUSE REPORTS: No. 101-467 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 101-229 accompanying S. 1594 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Jan. 24, S. 1594 considered and passed Senate.
May 1, H.R. 3248 considered and passed House.
Aug. 3, considered and passed Senate.