

112TH CONGRESS  
1ST SESSION

# S. 1303

To authorize the Secretary of the Interior to establish Fort Monroe National Historical Park in the Commonwealth of Virginia, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29, 2011

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

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## A BILL

To authorize the Secretary of the Interior to establish Fort Monroe National Historical Park 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 “Fort Monroe National  
5 Historical Park Establishment Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMONWEALTH.—The term “Common-  
9 wealth” means—

1 (A) the Commonwealth of Virginia; or

2 (B) any management entity or political  
3 subdivision established by the Commonwealth  
4 for the planning, management, and reuse of  
5 land, buildings, or structures reverting to or  
6 conveyed to the Commonwealth as a result of  
7 the Base Realignment land closures process of  
8 2005 affecting the Fort.

9 (2) FORT.—The term “Fort” means the third  
10 system fortification historically referred to as “For-  
11 tress Monroe”, including—

12 (A) the moat; and

13 (B) the land and improvements within the  
14 Fort and adjacent to the outside perimeter of  
15 the moat.

16 (3) HISTORIC AREA.—The term “historic area”  
17 means the Fort Monroe National Historic Landmark  
18 located outside the boundary of the Park.

19 (4) HISTORIC RESOURCES.—The term “historic  
20 resources” means any land, cultural landscapes,  
21 buildings, or structures that are—

22 (A) located within the Fort; or

23 (B) adjacent to the Fort within the con-  
24 necting road system formed by Fenwick Road,

1           Ingalls Road, Murray Road, Patch Road, Grif-  
2           fith Street, and Bomford Lane.

3           (5) MANAGEMENT PLAN.—The term “manage-  
4           ment plan” means the general management plan for  
5           the Park developed under section (4)(i).

6           (6) MAP.—The term “map” means the map en-  
7           titled “Fort Monroe National Historical Park Pro-  
8           posed Boundary”, numbered 250/107,111, and  
9           dated June 24, 2011.

10          (7) NATURAL AND RECREATIONAL RE-  
11          SOURCES.—The term “natural and recreational re-  
12          sources” means any land and submerged land lying  
13          within, and associated with, the North Beach area of  
14          the Fort, as depicted on the map.

15          (8) PARK.—The term “Park” means the Fort  
16          Monroe National Historical Park established by sec-  
17          tion (3)(a).

18          (9) PROJECT.—The term “project” means any  
19          activity, restoration, rehabilitation, interpretive ex-  
20          hibit or device, or physical improvement for which  
21          Federal funds have been expended.

22          (10) SECRETARY.—The term “Secretary”  
23          means the Secretary of the Interior.

1 **SEC. 3. FORT MONROE NATIONAL HISTORICAL PARK.**

2 (a) ESTABLISHMENT.—There is established in the  
3 Commonwealth a unit of the National Park System, to  
4 be known as the “Fort Monroe National Historical Park”.

5 (b) PURPOSES.—The purposes of the Park are—

6 (1) to preserve the historic resources and nat-  
7 ural and recreational resources;

8 (2) to provide land and water-based recreational  
9 opportunities at the Park; and

10 (3) to interpret for the benefit of present and  
11 future generations—

12 (A) Old Point Comfort, including recog-  
13 nizing—

14 (i) the relationship of Old Point Com-  
15 fort to the voyages of Captain John Smith;

16 (ii) the location of Old Point Comfort  
17 as the first entry place of captive Africans  
18 into English North America;

19 (iii) the use of Old Point Comfort for  
20 successive fortifications; and

21 (iv) the role of Old Point Comfort in  
22 the War of 1812;

23 (B) the development and use of the Fort  
24 as a coastal defense facility and artillery train-  
25 ing center, including providing information on

1 the military and community life at Fort Mon-  
2 roe;

3 (C) the role of the Fort in the Civil War,  
4 including—

5 (i) the use of the Fort as a haven for  
6 individuals escaping enslavement during  
7 the Civil War; and

8 (ii) the formation and service of U.S.  
9 Colored Troop units stationed at Fort  
10 Monroe;

11 (D) persons and events associated with the  
12 Fort that contributed to the history of the Fort  
13 and the United States, including the relevance  
14 of those persons and events to modern society;  
15 and

16 (E) the natural and recreational resources  
17 associated with the Fort.

18 (c) BOUNDARY.—The Park shall be comprised of the  
19 Fort, the historic resources, and the natural and rec-  
20 reational resources, as generally depicted on the map.

21 (d) AVAILABILITY OF MAP.—The map shall be on file  
22 and available for public inspection in the appropriate of-  
23 fices of the National Park Service.

1 **SEC. 4. ADMINISTRATION.**

2 (a) IN GENERAL.—The Secretary shall administer  
3 the Park in accordance with—

4 (1) this Act; and

5 (2) the laws generally applicable to units of the  
6 National Park System, including—

7 (A) the National Park Service Organic Act  
8 (16 U.S.C. 1 et seq.); and

9 (B) the Act of August 21, 1935 (16 U.S.C.  
10 461 et seq.).

11 (b) FEDERAL, STATE, AND LOCAL JURISDICTION.—

12 (1) EFFECT ON FEDERAL AUTHORITY.—Except  
13 as otherwise provided in this Act, nothing in this Act  
14 enlarges, diminishes, or modifies any authority of  
15 the United States to carry out Federal laws (includ-  
16 ing regulations) on Federal land located within the  
17 boundary of the Park.

18 (2) EFFECT ON STATE AND LOCAL AUTHOR-  
19 ITY.—Nothing in this Act enlarges, diminishes, or  
20 modifies any authority of the Commonwealth or any  
21 political subdivision of the Commonwealth—

22 (A) to exercise civil and criminal jurisdic-  
23 tion within the Park, unless an agreement for  
24 concurrent jurisdiction is executed that modifies  
25 the jurisdiction of the Commonwealth or polit-

1           ical subdivision of the Commonwealth with re-  
2           spect to the Park; or

3                   (B) to carry out Commonwealth laws, reg-  
4           ulations, and rules on non-Federal land located  
5           within the boundary of the Park.

6           (c) NO NET LOSS OF COMMONWEALTH-OWNED  
7 BUILDINGS AND STRUCTURES.—In the case of the loss  
8 or authorized demolition of buildings or structures within  
9 the Fort Monroe National Historic Landmark, replace-  
10 ment of the square footage from the loss or demolition  
11 shall be permitted if the construction complies with—

12                   (1) the Secretary of the Interior’s Standards for  
13           the Treatment of Historic Properties under part 68  
14           of title 36, Code of Federal Regulations (or suc-  
15           cessor regulations); and

16                   (2) section 106 of the National Historic Preser-  
17           vation Act (16 U.S.C. 470f).

18           (d) AUTHORIZATION OF EX-OFFICIO APPOINT-  
19 MENTS.—The Superintendent of the Park may serve as  
20 an ex-officio member of any board or committee affecting  
21 the Fort that the Secretary determines would—

22                   (1) be beneficial to the preservation of Park re-  
23           sources; and

24                   (2) further the interpretive or educational pur-  
25           poses of the Park.

1 (e) COOPERATIVE AGREEMENTS AND VISITOR SERV-  
2 ICES.—

3 (1) IN GENERAL.—Subject to the provisions of  
4 this section and as the Secretary determines to be  
5 appropriate to carry out this section, the Secretary  
6 may enter into cooperative agreements with the  
7 Commonwealth or any other party, under which the  
8 Secretary may identify, interpret, and provide assist-  
9 ance for the preservation of non-Federal properties  
10 within the boundary of the Park or in the historic  
11 area, including providing for the placement of direc-  
12 tional and interpretive signage, wayside exhibits, and  
13 technology-based interpretive devices.

14 (2) LIMITATIONS.—The Secretary shall not  
15 enter into any cooperative agreement under this sub-  
16 section until the Secretary—

17 (A) determines that—

18 (i) sufficient historic resources and  
19 natural and recreational resources have  
20 been acquired to constitute a manageable  
21 unit; and

22 (ii) easements have been acquired on  
23 the remaining historic resources and nat-  
24 ural and recreational resources within the  
25 boundary of the Park sufficient to ensure

1 the integrity of the historic resources and  
2 natural and recreational resources of the  
3 Park; and

4 (B) has entered into a written agreement  
5 with the Commonwealth providing—

6 (i) for an effective process for ensur-  
7 ing that the future uses of historic re-  
8 sources and natural and recreational re-  
9 sources within and adjacent to the bound-  
10 ary of the Park will be compatible with the  
11 designation of the Park as a unit of the  
12 National Park System; and

13 (ii) as cooperatively determined be-  
14 tween the Secretary and the Common-  
15 wealth, contributions to be made by any  
16 other party for sharing with the Common-  
17 wealth and the Secretary the costs of,  
18 maintenance and utilities necessary for the  
19 operation and maintenance of the Park.

20 (3) ADAPTIVE REUSE.—Nothing in this Act in-  
21 hibits the Commonwealth from providing for the  
22 adaptive reuse of the interior of any non-federally  
23 owned historic resource for such compatible uses de-  
24 termined under subsection (e)(2)(B) that are con-  
25 ducted in accordance with the Secretary of the Inte-

1 rior's Standards for the Treatment of Historic Prop-  
2 erties under part 68 of title 36, Code of Federal  
3 Regulations (or successor regulations).

4 (4) JOINT VISITOR SERVICES FACILITIES.—If  
5 the Secretary determines that the visitor experience  
6 to the Park would be enhanced and result in cost ef-  
7 ficiencies, the Secretary may—

8 (A) provide not more than 50 percent of  
9 the costs of designing and rehabilitating non-  
10 federally owned structures or buildings in the  
11 Park, or within the historic area, for Park oper-  
12 ations and visitor services, including the design,  
13 construction, and installation of exhibits for the  
14 Park; and

15 (B) jointly operate and maintain the facili-  
16 ties with the Commonwealth.

17 (5) FORT MONROE FOUNDATION.—The Sec-  
18 retary may enter into a partnership agreement with  
19 the Fort Monroe Foundation that would benefit the  
20 preservation and interpretation of resources within  
21 the Park.

22 (6) TERMS AND CONDITIONS OF AGREE-  
23 MENTS.—Any cooperative agreement entered into  
24 under paragraph (1) shall include terms and condi-  
25 tions that ensure that—

1 (A) the Secretary, acting through the Di-  
2 rector of the National Park Service, shall have  
3 the right of access at all reasonable times to all  
4 public portions of the property covered by the  
5 agreement for the purposes of—

6 (i) conducting visitors through the  
7 properties; and

8 (ii) interpreting the properties for the  
9 public;

10 (B) no changes or alterations shall be  
11 made to any properties covered by a cooperative  
12 agreement entered into under paragraph (1)  
13 unless the Secretary and the other party to the  
14 agreement agree to the changes or alterations;  
15 and

16 (C) any conversion, use, or disposal of a  
17 project for purposes contrary to the purposes of  
18 this section, as determined by the Secretary,  
19 shall entitle the United States to reimburse-  
20 ment in an amount equal to the greater of—

21 (i) the amounts made available to the  
22 project by the United States; or

23 (ii) the portion of the increased value  
24 of the project attributable to the amounts  
25 made available under this subsection, as

1           determined at the time of the conversion,  
2           use, or, disposal.

3           (7) COST-SHARING REQUIREMENT.—

4           (A) IN GENERAL.—Except as provided in  
5           subparagraph (B), the Secretary shall require,  
6           as a condition of the receipt of funds under  
7           paragraph (1), that any Federal funds made  
8           available under a cooperative agreement or for  
9           joint visitor services facilities shall be matched  
10          on an equal basis by non-Federal funds.

11          (B) EXCEPTIONS.—The cost-sharing re-  
12          quirement under subparagraph (A) shall not  
13          apply to the costs incurred for placing direc-  
14          tional and interpretive signage, wayside exhib-  
15          its, and technology-based interpretive devices as  
16          provided for in paragraph (1).

17          (C) FORM OF NON-FEDERAL SHARE.—  
18          With the approval of the Secretary, the non-  
19          Federal share required under paragraph (1)  
20          may be in the form of property, goods, or serv-  
21          ices from a non-Federal source, fairly valued.

22          (f) ACQUISITION OF LAND.—

23          (1) IN GENERAL.—The Secretary may acquire  
24          land or interests in land within the boundary of the

1 Park by donation, purchase from a willing seller  
2 with donated or appropriated funds, or exchange.

3 (2) PRIORITY.—The Secretary shall give pri-  
4 ority to the acquisition of land or interests in land  
5 under this subsection in the following properties:

6 (A) The Old Headquarters Building  
7 (Building #1).

8 (B) The Bachelors Officers Quarters  
9 (Building #50).

10 (C) Lee's Quarters (Building #17).

11 (D) The Parade Ground.

12 (E) Casemate #22.

13 (F) The North Beach and associated sub-  
14 merged land as depicted on the map.

15 (G) A right of way appropriate to the cul-  
16 tural and natural resource Park setting for  
17 public access between the Fort and the North  
18 Beach area as depicted on the map, or in a lo-  
19 cation agreed upon by the Secretary and the  
20 Commonwealth.

21 (3) DONATION OF COMMONWEALTH-OWNED  
22 LAND.—Land or interests in land owned by the  
23 Commonwealth or any political subdivision of the  
24 Commonwealth may only be acquired by donation.

1           (4) EASEMENTS AND RIGHTS OF ACCESS.—The  
2           Commonwealth may retain, or the Secretary may  
3           grant, such easements or rights of access as may be  
4           necessary for the maintenance and operations of  
5           utilities, infrastructure, and transportation in the  
6           Park, subject to a determination by the Secretary  
7           that there would be no impairment to Park re-  
8           sources or impacts on visitor experiences in the Park  
9           as a result of the easements or rights of access.

10          (g) TECHNICAL ASSISTANCE AND PUBLIC INTERPRE-  
11          TATION.—

12           (1) IN GENERAL.—The Secretary may provide  
13           technical assistance and public interpretation of re-  
14           sources within the historic area and at any sites in  
15           close proximity to the Park outside of the historic  
16           area that are related to events or persons associated  
17           with the Fort, including encampments or cemeteries  
18           of formerly enslaved persons freed at the Fort dur-  
19           ing the Civil War.

20           (2) COORDINATION.—The Secretary may pro-  
21           vide for the coordination of interpretation between  
22           the Park and the Captain John Smith Chesapeake  
23           National Historic Trail for any resources within the  
24           boundary of the Park relating to the trail.

25          (h) OLD POINT COMFORT LIGHTHOUSE.—

1           (1) IN GENERAL.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary and  
3 the Secretary of Homeland Security shall enter into  
4 an interagency agreement for the long-term protec-  
5 tion and public interpretation of the Old Point Com-  
6 fort Lighthouse.

7           (2) CIRCUMSTANCES OF AGREEMENT.—The  
8 agreement shall specify the circumstances under  
9 which the Secretary may provide for interpretation  
10 and visitor enjoyment of the Old Point Comfort  
11 Lighthouse and the grounds of the Old Point Com-  
12 fort Lighthouse.

13           (3) NO LIMITATIONS ON AUTHORITY.—Nothing  
14 in this subsection limits the authority of the Sec-  
15 retary of Homeland Security to use the Old Point  
16 Comfort Lighthouse for navigational or national se-  
17 curity purposes.

18           (i) MANAGEMENT PLAN.—

19           (1) IN GENERAL.—Not later than 3 fiscal years  
20 after the date on which funds are first made avail-  
21 able to carry out this Act, the Secretary, in consulta-  
22 tion with the Commonwealth, shall complete a gen-  
23 eral management plan for the Park in accordance  
24 with—

1 (A) section 12(b) of the National Park  
2 System General Authorities Act (16 U.S.C. 1a-  
3 7(b)); and

4 (B) any other applicable laws.

5 (2) CONSIDERATION OF COMMONWEALTH LAWS,  
6 PLANS AND AGREEMENTS.—In developing the man-  
7 agement plan, the Secretary shall consider—

8 (A) the Fort Monroe Reuse Plan;

9 (B) the Fort Monroe Programmatic Agree-  
10 ment dated April 27, 2009 (and any amend-  
11 ments to the agreement); and

12 (C) the State of Virginia Fort Monroe Au-  
13 thority Act.

14 (3) COST-SHARING PROVISIONS.—The manage-  
15 ment plan shall include provisions that identify any  
16 costs to be shared by the Federal Government and  
17 the Commonwealth or other public or private entities  
18 or individuals for necessary capital improvements to,  
19 and maintenance and operations of, the Park.

20 (j) LIMITATION OF LIABILITY.—Except as mutually  
21 agreed upon in writing, the National Park Service and the  
22 Commonwealth shall not be responsible for liabilities out-  
23 side of their respective property ownerships.

24 (k) UNIFORM AND CONSISTENT MANAGEMENT.—  
25 The Secretary may cooperate with the Commonwealth to

1 ensure that the Park is preserved, maintained, and oper-  
2 ated in a uniform and consistent manner.

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4       There are authorized to be appropriated such sums  
5 as are necessary to carry out this Act.

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