

THE CIVIL WAR SITES STUDY ACT (PUBLIC LAW 101-628)
NOV. 28, 1990

TITLE XII CIVIL WAR AND OTHER STUDIES

SEC. 1201. SHORT TITLE

This title may be cited as the "Civil War Sites Study Act of 1990".

SEC. 1202. DEFINITIONS

For the purposes of this title:

(1) The term "Commission" means the Civil War Sites Advisory Commission established in section 105;

(2) The term "Secretary" means the Secretary of the Interior; and

(3) The term "Shenandoah Valley Civil War sites" means those sites and structures situated in the Shenandoah Valley in the Commonwealth of Virginia which are thematically tied with the nationally significant events that occurred in the region during the Civil War, including, but not limited to, General Thomas "Stonewall" Jackson's 1862 "Valley Campaign" and General Philip Sheridan's 1864 campaign culmination in the battle of Cedar Creek on October 19, 1864.

SEC. 1203. FINDINGS

The Congress finds that:

(1) Many sites and structures associated with the Civil War which represent important means by which the Civil War may continue to be understood and interpreted by the public are located in regions which are undergoing rapid urban and suburban development; and

(2) It is important to obtain current information on the significance of such sites, threats to their integrity, and alternatives for their preservation and interpretation for the benefit of the Nation.

SEC. 1204. SHENANDOAH VALLEY CIVIL WAR SITES STUDY

(a) STUDY (1) The Secretary is authorized and directed to prepare a study of Shenandoah Valley Civil War sites. Such study shall identify the sites, determine the relative significance of such sites, assess short- and long-term threats to their integrity, and provide alternatives for the preservation and interpretation of such sites by Federal, state, and local governments, or other public or private entities, as may be appropriate. Such alternatives may include, but shall not be limited to, designation as units of the National Park System or as affiliated areas. The study shall examine methods and make recommendations to continue current land use practices, such as agriculture, where feasible.

(2) The Secretary shall designate at least two nationally recognized Civil War Historians to participate in the study required by paragraph (1).

(3) The study shall include the views and recommendations of the National Park System Advisory Board.

(b) TRANSMITTAL TO CONGRESS. Not later than one year after the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit such study to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

SEC. 1205. ESTABLISHMENT OF CIVIL WAR SITES ADVISORY COMMISSION.

(a) IN GENERAL. There is hereby established the Civil War Sites Advisory Commission. The Commission shall consist of thirteen members appointed as follows:

(1) Twice individuals who are nationally recognized as experts and authorities on the history of the Civil War, and two individuals who are nationally recognized as experts and authorities in historic preservation and land use planning, appointed by the Secretary.

(2) The Director of the National Park Service or his or her designee.

(3) The chair of the Advisory Council on Historic Preservation, or his or her designee.

(4) Three individuals appointed by the Speaker of the United States House of Representatives in consultation with the Chairman and Ranking Minority Member of the Committee on Interior and Insular Affairs.

(5) Three individuals appointed by the President Pro Tempore of the United States Senate in consultation with the Chairman and Ranking Minority Member of the Committee on Energy and Natural Resources.

(b) CHAIR. The Commission shall elect a chair from among its members.

(c) VACANCIES. Vacancies occurring on the Commission shall not affect the authority of the remaining members of the Commission to carry out the functions of the Commission. Any Vacancy in the Commission shall be promptly filled in the same manner in which the original appointment was made.

(d) QUORUM. A simple majority of Commission members shall constitute a quorum.

(e) MEETINGS. The Commission shall meet at least quarterly or upon the call of the chair or a majority of the members of the Commission.

(f) COMPENSATION. Members of the Commission will serve without compensation. Members of the Commission, when engaged in official Commission business, shall be entitled to travel expense, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in government service under section 5703 of title 5, United States Code.

(g) TERMINATION. The Commission established pursuant to this section shall terminate 90-days after the transmittal of the report to Congress as provided in section 8(c).

SEC. 1206. STAFF OF THE COMMISSION.

(a) EXECUTIVE DIRECTOR. The Director of the National Park Service, or his or her designee, shall serve as the Executive Director of the Commission.

(b) STAFF. The Director of the National Park Service shall, on a reimbursable basis, detail such staff as the Commission may require to carry out its duties.

(c) STAFF OF OTHER AGENCIES. Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties.

(d) EXPERTS AND CONSULTANTS. Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

SEC. 1207. POWERS OF THE COMMISSION

(a) IN GENERAL. The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) BYLAWS. The Commission may make such bylaws, rules and regulations, consistent with this title, as it considers necessary to carry out its functions under this title.

(c) DELEGATION. When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) MAILS. The Commission may use the United States mail in the same manner and upon the same condition as other departments and agencies of the United States.

SEC. 1208. DUTIES OF THE COMMISSION

(a) PREPARATION OF STUDY. The Commission shall prepare a study of historical significant sites and structures in the United States associated with the Civil War, other than Shenandoah Valley sites. Such study shall identify the sites, determine the threats to their integrity, and provide alternatives for the preservation and interpretation of such sites by Federal, State, and local governments, or other public entities, as may be appropriate. The Commission shall research and propose innovative open space and land preservation techniques. Such alternatives may include but shall not be limited to designation as units of the National Park System or as affiliated areas. The study may include existing units of the National Park System.

(b) CONSULTATION. During the preparation of the study referred to in subsection (a), the Commission shall consult with Governors of affected States, affected units of local government, State and local historic preservation organizations, scholarly organizations, and other such interested parties the Commission deems advisable.

(c) TRANSMITTAL TO THE SECRETARY AND CONGRESS. Not later than 2 years after the date that funds are made available for the study referred to in subsection (a), the Commission shall transmit such study to the Secretary and the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(d) REPORTS. Whenever the Commission submits a report of the study to the Secretary or the Office of Management and Budget, it shall concurrently transmit copies of that report to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

AMENDMENT NO. 1294 TO AMENDMENT NO.1294

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah (Mr. HATCH). for Mr. JEFFORDS, for himself, Mr. MITCHELL, and Mr. DOLE, proposes an amendment numbered 1294.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC-Section 1205 of Public Law 101-628 is amended in subsection (a) by.

(1) striking "Three" in paragraph (4) and inserting "Four" in lieu thereof: and

(2) striking "Three" in paragraph (5) and inserting "Four" in lieu thereof.

Mr. HATCH. Mr. President, this is an amendment for and on behalf of Senator JEFFORDS, and it is a technical amendment that we are adding to the bill at this time. It has been cleared on both sides, to the best of my knowledge.

Mr. JEFFORDS. Mr. President, the purpose of this amendment is to amend the Civil War Sites Study Act of 1990 to provide for the appointment of two additional members to the Civil War Sites Advisory Commission authorized pursuant to section 1205 et. seq. of the act. (Public Law 101-628 16 U.S.S. 1a-5 note). This corrects an oversight in the appointment authority of the original legislation establishing the Commission. The amendment is technical and noncontroversial, and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1294) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.