

112TH CONGRESS
1ST SESSION

H. R. 2456

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

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2011

Mr. RIGELL (for himself, Mr. SCOTT of Virginia, Mr. WITTMAN, and Mr. FORBES) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the 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”.

6 **SEC. 2. DEFINITIONS AND PURPOSE.**

7 (a) DEFINITIONS.—In this Act:

8 (1) COMMONWEALTH.—The term “Common-
9 wealth” means the Commonwealth of Virginia and
10 any management entity or political subdivision cre-

1 ated by the Commonwealth of Virginia for the plan-
2 ning, management and reuse of lands, buildings or
3 structures reverting to or conveyed to the Common-
4 wealth as a result of the implementation of the rec-
5 ommendations of the Defense Base Closure and Re-
6 alignment Commission contained in the report of the
7 Commission transmitted by the President to Con-
8 gress in accordance with section 2914(e) of the De-
9 fense Base Closure and Realignment Act of 1990
10 (part A of title XXIX of Public Law 101–510; 10
11 U.S.C. 2687 note) on September 15, 2005.

12 (2) FORT.—The term “fort” means the third
13 system fortification historically referred to as “For-
14 tress Monroe” including its moat, and the lands and
15 improvements within the fort and adjacent to the
16 outside perimeter of the moat.

17 (3) HISTORIC AREA.—The term “historic area”
18 means the area of the Fort Monroe National His-
19 toric Landmark outside of the boundary of the park.

20 (4) HISTORIC RESOURCES.—The term “historic
21 resources” means any lands, cultural landscapes,
22 buildings or structures within the fort, and lying ad-
23 jacent to the fort within the connecting road system
24 formed by Fenwick Road, Ingalls Road, Murray

1 Road, Patch Road, Griffith Street, and Bomford
2 Lane.

3 (5) MANAGEMENT PLAN.—The term “manage-
4 ment plan” means the general management plan for
5 the park to be 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 lands and submerged lands
13 lying within and associated with the North Beach
14 area of Fort Monroe 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 hibits or devices, or physical improvements for which
21 Federal funds have been expended.

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

24 (b) PURPOSE.—The purpose of the park is to pre-
25 serve the historic and natural resources of Fort Monroe,

1 provide land and water-based recreational opportunities,
2 and interpret for the benefit of present and future genera-
3 tions—

4 (1) Old Point Comfort, its relationship to the
5 voyages of Captain John Smith, its location as the
6 first entry place of captive Africans into English
7 North America, its use for successive fortifications,
8 and its role in the War of 1812;

9 (2) the development and use of Fort Monroe as
10 a coastal defense facility and artillery training cen-
11 ter, including its military and community life;

12 (3) the fort's role in the Civil War, including as
13 a haven for those escaping enslavement during that
14 war, and the formation and service of United States
15 Colored Troop units stationed at Fort Monroe;

16 (4) persons and events associated with the fort,
17 which contributed to its and the Nation's history,
18 and their relevance to modern society; and

19 (5) the natural and recreational resource values
20 associated with Fort Monroe.

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

22 (a) ESTABLISHMENT.—There is established in the
23 Commonwealth of Virginia a unit of the National Park
24 System to be known as the “Fort Monroe National Histor-
25 ical Park”.

1 (b) BOUNDARY.—The park boundary shall generally
2 consist of the fort, the historic resources, and the North
3 Beach and associated submerged lands, as generally de-
4 picted on the map.

5 (c) AVAILABILITY OF MAP.—The official boundary
6 map shall be on file and available for public inspection
7 in the appropriate offices of the National Park Service.

8 **SEC. 4. ADMINISTRATION.**

9 (a) IN GENERAL.—The Secretary shall administer
10 the park in accordance with—

11 (1) this Act; and

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

14 (A) the National Park Service Organic Act
15 (16 U.S.C. 1 et seq.); and

16 (B) the Act of August 21, 1935 (49 Stat.
17 666, 16 U.S.C. 461 et seq.).

18 (b) FEDERAL, COMMONWEALTH, AND LOCAL JURIS-
19 DICTION.—

20 (1) FEDERAL AUTHORITY.—Except as other-
21 wise provided in this Act, nothing shall enlarge, di-
22 minish or modify any authority of the United States
23 to carry out Federal laws and regulations on Federal
24 land located within the boundary of the park.

1 (2) COMMONWEALTH AUTHORITY.—Nothing in
2 this Act enlarges, diminishes, or modifies any au-
3 thority of the Commonwealth, or any political sub-
4 division of the Commonwealth—

5 (A) to exercise civil and criminal jurisdic-
6 tion unless an agreement for concurrent jurisdic-
7 tion is executed and modifies Commonwealth
8 or local government jurisdiction in any way; or

9 (B) to carry out Commonwealth laws, reg-
10 ulations and rules on non-Federal land located
11 within the boundary of the park.

12 (c) NO NET LOSS OF COMMONWEALTH OWNED
13 BUILDINGS AND STRUCTURES.—In the event of loss or
14 authorized demolition of buildings or structures within the
15 Fort Monroe National Historic Landmark District, re-
16 placement of the square footage from such loss or demoli-
17 tion shall be permitted provided that such construction
18 complies with the Secretary’s Standards for the Treat-
19 ment of Historic Properties, and Section 106 of the Na-
20 tional Historic Preservation Act as applicable.

21 (d) AUTHORIZATION OF EX-OFFICIO APPOINT-
22 MENTS.—The Superintendent of the park is authorized to
23 serve as an ex-officio member of such boards or commit-
24 tees affecting Fort Monroe that the Secretary deems bene-

1 ficial to the preservation of park resources and which fur-
2 ther the interpretive or educational purposes of the park.

3 (e) COOPERATIVE AGREEMENTS AND VISITOR SERV-
4 ICES.—

5 (1) IN GENERAL.—Subject to the provisions of
6 this section and as the Secretary determines to be
7 appropriate to carry out this section, the Secretary
8 may enter into cooperative agreements with the
9 Commonwealth or any other party under which the
10 Secretary may identify, interpret, and provide assist-
11 ance for the preservation of non-Federal properties
12 within the boundary of the park and within the his-
13 toric area. This includes, but is not limited to, the
14 placement of directional and interpretive signage,
15 wayside exhibits, and technology-based interpretive
16 devices.

17 (2) LIMITATIONS.—The Secretary shall not
18 enter into any cooperative agreement pursuant to
19 this section until the Secretary—

20 (A) determines that sufficient historic, nat-
21 ural and recreational resources have been ac-
22 quired to constitute a manageable unit and that
23 easements have been acquired on the remaining
24 historic and natural resources within the bound-
25 ary of the park sufficient to ensure the integrity

1 of the historic, natural and recreational re-
2 sources of the park; and

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

5 (i) for an effective process for ensur-
6 ing that the future uses of historic, natural
7 and recreational resources within and adja-
8 cent to the boundary of the park will be
9 compatible with its designation as a unit of
10 the National Park System; and

11 (ii) arrangements, cooperatively deter-
12 mined between the Secretary and the Com-
13 monwealth, along with contributions to be
14 made by any other party for the sharing of
15 the costs of maintenance and utilities nec-
16 essary for the operation and maintenance
17 of the park.

18 (3) PRIORITY RESOURCES.—For purposes of
19 subsection (e)(2)(A), acquisition of interests in the
20 following properties shall be given priority consider-
21 ation:

22 (A) The Old Headquarters Building
23 (Building #1).

24 (B) The Bachelors Officers Quarters
25 (Building #50).

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

2 (D) The Parade Ground.

3 (E) Casemate #22.

4 (F) The North Beach and associated sub-
5 merged lands as depicted on the map.

6 (G) A right of way appropriate to the cul-
7 tural and natural resource park setting for pub-
8 lic access between the fort and the North Beach
9 area as depicted on the map, or in a location
10 agreed upon by the Secretary and the Common-
11 wealth.

12 (4) ADAPTIVE REUSE.—Nothing in this Act is
13 intended to inhibit the Commonwealth from pro-
14 viding for the adaptive reuse of the interior of any
15 non-federally owned historic resource for such com-
16 patible uses determined pursuant to subsection
17 (e)(2)(B) that are conducted in accordance with the
18 Secretary's Standards for the Treatment of Historic
19 Properties.

20 (5) JOINT VISITOR SERVICES FACILITIES.—
21 Should the Secretary determine that the visitor ex-
22 perience to the park would be enhanced and cost ef-
23 ficiencies otherwise achieved, the Secretary is au-
24 thorized to provide no greater than 50 percent of the
25 costs of design and rehabilitation of non-federally

1 owned structures or buildings in the park, or within
2 the historic area, for park operations and visitor
3 services including the design, construction and in-
4 stallation of exhibits, and to jointly operate and
5 maintain such facilities with the Commonwealth.

6 (6) FORT MONROE FOUNDATION.—The Sec-
7 retary is encouraged to explore the feasibility of a
8 partnership agreement with the Fort Monroe Foun-
9 dation that would benefit the preservation and inter-
10 pretation of resources within the park.

11 (7) TERMS AND CONDITIONS OF AGREE-
12 MENTS.—Any cooperative agreement entered into
13 under paragraph (1) shall include terms and condi-
14 tions that ensure that—

15 (A) the Secretary, acting through the Di-
16 rector of the National Park Service, shall have
17 the right of access at all reasonable times to all
18 public portions of the property covered by the
19 agreement for the purposes of—

20 (i) conducting visitors through the
21 properties; and

22 (ii) interpreting the properties for the
23 public;

24 (B) no changes or alterations shall be
25 made to any properties covered by a cooperative

1 agreement entered into under paragraph (1)
2 unless the Secretary and the other party to the
3 agreement agree to the changes or alterations;

4 (C) any conversion, use, or disposal of a
5 project for purposes contrary to the purposes of
6 this section, as determined by the Secretary,
7 shall entitle the United States to reimburse-
8 ment in an amount equal to the greater of—

9 (i) the amounts made available to the
10 project by the United States; or

11 (ii) the portion of the increased value
12 of the project attributable to the amounts
13 made available under this subsection, as
14 determined at the time of the conversion,
15 use, or, disposal.

16 (8) MATCHING FUNDS.—

17 (A) IN GENERAL.—With the exception of
18 the placement of directional and interpretive
19 signage, wayside exhibits, and technology-based
20 interpretive devices, the Secretary shall require,
21 as a condition of the receipt of funds under
22 paragraph (1) that any Federal funds made
23 available under a cooperative agreement or for
24 joint visitor services facilities shall be matched
25 on an equal basis by non-Federal funds.

1 (B) IN-KIND.—With the approval of the
2 Secretary, the non-Federal share required
3 under paragraph (1) may be in the form of
4 property, goods, or services from a non-Federal
5 source, fairly valued.

6 (f) ACQUISITION OF LAND.—

7 (1) IN GENERAL.—The Secretary may acquire
8 lands or interests in land within the boundary of the
9 park by donation, purchase from a willing seller with
10 donated or appropriated funds, or exchange. The
11 Secretary shall give priority to acquisition of land or
12 interests in land for the properties listed in sub-
13 section (e)(3).

14 (2) DONATION OF COMMONWEALTH-OWNED
15 LAND.—Lands or interests in land owned by the
16 Commonwealth or any political subdivision of the
17 Commonwealth may only be acquired by donation.

18 (3) EASEMENTS AND RIGHTS OF ACCESS.—The
19 Commonwealth may retain, or the Secretary may
20 grant such easements or rights of access as may be
21 necessary for the maintenance and operations of
22 utilities, infrastructure, and transportation subject
23 to the Secretary's determination that there will be
24 no impairment to park resources or impacts on vis-
25 itor experiences in the park.

1 (g) TECHNICAL ASSISTANCE AND PUBLIC INTERPRE-
2 TATION.—The Secretary may provide technical assistance
3 and public interpretation of natural, historic and cultural
4 resources within the historic area, as well as at any sites
5 in close proximity to the park outside of the historic area
6 that are related to events or persons associated with Fort
7 Monroe including encampments or cemeteries of formerly
8 enslaved persons freed at Fort Monroe during the Civil
9 War. The Secretary may provide for the coordination of
10 interpretation between the park and the Captain John
11 Smith Chesapeake National Historic Trail for any re-
12 sources within the boundary of the park that may relate
13 to the trail.

14 (h) OLD POINT COMFORT LIGHTHOUSE.—

15 (1) IN GENERAL.—The Secretary and the Sec-
16 retary of Homeland Security shall, within 1 year of
17 the date of enactment of this Act, enter into an
18 interagency agreement for the long-term protection
19 and public interpretation of the Old Point Comfort
20 Lighthouse.

21 (2) CIRCUMSTANCES OF AGREEMENT.—The
22 agreement shall specify the circumstances under
23 which the Secretary may provide for interpretation
24 and visitor enjoyment of the lighthouse and its
25 grounds.

1 (3) NO LIMITATIONS ON AUTHORITY.—Nothing
2 in this subsection is intended to limit the Secretary
3 of Homeland Security’s authorities for use of the
4 lighthouse for navigational or national security pur-
5 poses.

6 (i) MANAGEMENT PLAN.—

7 (1) IN GENERAL.—Not later than 3 fiscal years
8 after the date on which funds are made available,
9 the Secretary, in consultation with the Common-
10 wealth, shall complete a management plan for the
11 park in accordance with—

12 (A) section 12(b) of the National Park
13 System General Authorities Act (16 U.S.C. 1a-
14 7(b)); and

15 (B) other applicable laws.

16 (2) CONSIDERATION OF COMMONWEALTH LAWS,
17 PLANS AND AGREEMENTS.—In developing the man-
18 agement plan the Secretary shall consider—

19 (A) the Fort Monroe Reuse Plan.

20 (B) the Fort Monroe Programmatic Agree-
21 ment dated April 27, 2009, as may be amended
22 after the date of this Act; and

23 (C) the Commonwealth of Virginia Fort
24 Monroe Authority Act.

1 (3) COST SHARE.—The management plan shall
2 include provisions that identify any costs to be
3 shared by the Federal Government and the Com-
4 monwealth, and other public or private entities or in-
5 dividuals for necessary capital improvements to and
6 maintenance and operations of the park.

7 (j) LIMITATION OF LIABILITY.—The National Park
8 Service and the Commonwealth shall not be responsible
9 for liabilities outside of their respective property owner-
10 ships except as mutually agreed upon in writing.

11 (k) UNIFORM AND CONSISTENT MANAGEMENT.—
12 The Secretary and the Commonwealth are encouraged to
13 cooperate to ensure that the park is preserved, maintained
14 and operated in a uniform and consistent manner.

15 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated such sums
17 as are necessary to carry out this Act.

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