

Public Law 96-442
96th Congress

An Act

To amend the Act entitled "An Act to preserve within Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (68 Stat. 56; 16 U.S.C. 429b).

Oct. 13, 1980
[H.R. 5048]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Manassas National Battlefield Park Amendments of 1980".

Manassas
National
Battlefield Park
Amendments of
1980.
16 USC 429b
note.
16 USC 429b.

SEC. 2. The Act entitled "An Act to preserve within the Manassas National Battlefield Park, Virginia, the most important historic properties relating to the battle of Manassas, and for other purposes", approved April 17, 1954 (16 U.S.C. 429b), is amended to read as follows: "That there is established as a unit of the national park system in the Commonwealth of Virginia the Manassas National Battlefield Park, which shall contain within its boundaries the important historical lands relating to the two battles of Manassas. The total area of the park shall not be greater than four thousand five hundred and twenty-five acres. The boundaries of the park shall be the boundaries depicted on the map entitled 'Boundary Map, Manassas National Battlefield Park', dated October 1980, and numbered 379/80,009, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall publish in the Federal Register, as soon as practicable after the date of the enactment of this Act, but no later than one year from the effective date of this section, a detailed description and map of the boundaries. Notwithstanding section 7(c) of the Land and Water Conservation Fund Act of 1965 (91 Stat. 211), as amended (16 U.S.C. 4601), the Secretary may not make any changes in the boundaries of the park. The Secretary shall administer the park in accordance with laws, rules, and regulations applicable to the national park system.

Description.

Publication in
Federal
Register.

16 USC 4601-9.

"SEC. 2. (a) In order to effectuate the purposes of this Act, the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds or exchange, any property or interests therein which are located within the boundaries of the park, except that property owned by the Commonwealth of Virginia or by any political subdivision thereof may be acquired only by donation.

Funding.
16 USC 429b-1.

"(b) With respect to areas within the 1954 boundaries of the park, as identified on the map referred to in the first section of this Act, the Secretary may not acquire fee simple title to such areas without the consent of the owner so long as the lands continue to be devoted to a use which is the same as that in effect on September 1, 1980. Further, if the Secretary proposes to acquire fee simple title to such property because of a change in use, the owner of such property may seek a review of the proposed acquisition of his or her property and is entitled to a hearing on the record in accordance with section 554 of title 5 of the United States Code.

Route 234
bypass.

“(c) If the Virginia Department of Highways and Transportation determines that the proposed Route 234 bypass should be properly located between the Virginia Electric Power Company powerline easement and Route 705, the Secretary shall make available the land necessary for such bypass, subject to such revisions, terms, and conditions as the Secretary deems are necessary and appropriate to assure that such bypass is located, constructed, operated, and maintained in a manner consistent with the administration of the park.

“(d) The Secretary may not close any State roads within the park unless action permitting the closing of such roads has been taken by appropriate officials of the Commonwealth of Virginia.

Residential
property.
16 USC 429b-2.

“SEC. 3. (a) Subsequent to the date of enactment of this section, the owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or for a term ending at the death of the owner or the death of the spouse of the owner, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner an amount equal to the fair market value of the property on the date of its acquisition less the value on such date of the right retained by the owner. If such property is donated (in whole or in part) to the United States, the Secretary may pay to the owner such lesser amount as the owner may agree to. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

42 USC 4601.

“(b) No property owner who elects to retain a right of use and occupancy under this section shall be considered a displaced person as defined in section 101(6) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894). Such owners shall be considered to have waived any benefits which would otherwise accrue to them under sections 203 through 206 of such Act.

42 USC
4623-4626.
Definitions.
16 USC 429b-3.

“SEC. 4. For purposes of this Act—

“(1) The term ‘improved property’ means a detached, one-family dwelling, construction of which was begun before January 1, 1979, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

“(2) The term ‘park’ means the Manassas National Battlefield Park established under this Act.

“(3) The term ‘Secretary’ means the Secretary of the Interior.

“(4) The term ‘owner’ means the owner of record as of September 1, 1980.

16 USC 429b-4.

“SEC. 5. (a) In addition to sums heretofore expended for the acquisition of property and interests therein for the park, from funds available for expenditure from the Land and Water Conservation Fund, as established under the Land and Water Conservation Fund

Act of 1965, not more than a total of \$8,700,000 may be expended for the acquisition of property and interests therein under this Act. 16 USC 4601-4 note.

“(b) It is the express intent of Congress that, except for property referred to in subsection 2(b), the Secretary shall acquire property and interests therein under this Act within two complete fiscal years after the date of the enactment of the Manassas National Battlefield Park Amendments of 1980.

“SEC. 6. (a) Authorizations of moneys to be appropriated under this Act from the Land and Water Conservation Fund for acquisition of properties and interests shall be effective on October 1, 1981.

Ante, p. 1885.
Effective date.
16 USC 429b-5.

“(b) Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.”.

SEC. 3. (a) The Secretary of the Interior shall conduct a study to determine appropriate measures for the protection, interpretation, and public use of the natural wetlands and undeveloped uplands of that portion of the Hackensack Meadowlands District identified as the DeKorte State Park on the official zoning maps of that District. The Secretary shall, in the course of the study, consult with and seek the advice of, representatives of interested local, State, and other Federal agencies. As a part of the study, the Secretary shall determine the suitability and feasibility of establishing the area as a unit of the national park system, including its administration as a unit of Gateway National Recreation Area, together with alternative measures that may be undertaken to protect and interpret the resources of the area for the public. Not later than two complete fiscal years from the effective date of this Act, the Secretary shall transmit a report of the study, including the estimated development, operation, and maintenance costs of alternatives identified therein, to the Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the House of Representatives, together with his recommendations for such further legislation as may be appropriate.

Study.
16 USC 460cc
note.

Report to
congressional
committees.

(b) There is authorized to be appropriated from amounts previously authorized to study lands for possible inclusion in the national park system not to exceed \$150,000 to carry out the provisions of this Act.

Appropriation
authorization.

Approved October 13, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-490 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 96-968 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 125 (1979): Oct. 9, considered and passed House.

Vol. 126 (1980): Sept. 29, considered and passed Senate, amended.

Sept. 30, House concurred in certain Senate amendments and in others with amendments.

Oct. 1, Senate concurred in House amendments.