

109TH CONGRESS
1ST SESSION

H. R. 694

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To enhance the preservation and interpretation of the Gullah/
Geechee cultural heritage, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Gullah/Geechee Cul-
3 tural Heritage Act”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are to—

6 (1) recognize the important contributions made
7 to American culture and history by African Ameri-
8 cans known as the Gullah/Geechee who settled in the
9 coastal counties of South Carolina, Georgia, North
10 Carolina, and Florida;

11 (2) assist State and local governments and pub-
12 lic and private entities in South Carolina, Georgia,
13 North Carolina, and Florida in interpreting the
14 story of the Gullah/Geechee and preserving Gullah/
15 Geechee folklore, arts, crafts, and music; and

16 (3) assist in identifying and preserving sites,
17 historical data, artifacts, and objects associated with
18 the Gullah/Geechee for the benefit and education of
19 the public.

20 **SEC. 3. DEFINITIONS.**

21 For the purposes of this Act, the following definitions
22 apply:

23 (1) **COMMISSION.**—The term “Commission”
24 means the Gullah/Geechee Cultural Heritage Cor-
25 ridor Commission established under this Act.

1 (A) proposed in the management plan de-
2 veloped for the Heritage Corridor;

3 (B) approved by the Secretary in accord-
4 ance with this Act; and

5 (C) placed on file in accordance with para-
6 graph (1).

7 (c) ADMINISTRATION.—The Heritage Corridor shall
8 be administered in accordance with the provisions of this
9 Act.

10 **SEC. 5. GULLAH/GEECHEE CULTURAL HERITAGE COR-**
11 **RIDOR COMMISSION.**

12 (a) ESTABLISHMENT.—There is hereby established a
13 commission to be known as the “Gullah/Geechee Cultural
14 Heritage Corridor Commission” whose purpose shall be to
15 assist Federal, State, and local authorities in the develop-
16 ment and implementation of a management plan for those
17 land and waters specified in section 4.

18 (b) MEMBERSHIP.—The Commission shall be com-
19 posed of 15 members appointed by the Secretary as fol-
20 lows:

21 (1) Four individuals nominated by the State
22 Historic Preservation Officer of South Carolina and
23 two individuals each nominated by the State Historic
24 Preservation Officer of each of Georgia, North Caro-
25 lina, and Florida and appointed by the Secretary.

1 (2) Two individuals from South Carolina and
2 one individual from each of Georgia, North Carolina,
3 and Florida who are recognized experts in historic
4 preservation, anthropology, and folklore, appointed
5 by the Secretary.

6 (c) TERMS.—Members of the Commission shall be
7 appointed to terms not to exceed 3 years. The Secretary
8 may stagger the terms of the initial appointments to the
9 Commission in order to assure continuity of operation.
10 Any member of the Commission may serve after the expi-
11 ration of their term until a successor is appointed. A va-
12 cancy shall be filled in the same manner in which the origi-
13 nal appointment was made.

14 (d) TERMINATION.—The Commission shall terminate
15 10 years after the date of the enactment of this Act.

16 **SEC. 6. OPERATION OF THE COMMISSION.**

17 (a) DUTIES OF THE COMMISSION.—To further the
18 purposes of the Heritage Corridor, the Commission
19 shall—

20 (1) prepare and submit a management plan to
21 the Secretary in accordance with section 7;

22 (2) assist units of local government and other
23 persons in implementing the approved management
24 plan by—

1 (A) carrying out programs and projects
2 that recognize, protect, and enhance important
3 resource values within the Heritage Corridor;

4 (B) establishing and maintaining interpre-
5 tive exhibits and programs within the Heritage
6 Corridor;

7 (C) developing recreational and educational
8 opportunities in the Heritage Corridor;

9 (D) increasing public awareness of and ap-
10 preciation for the historical, cultural, natural,
11 and scenic resources of the Heritage Corridor;

12 (E) protecting and restoring historic sites
13 and buildings in the Heritage Corridor that are
14 consistent with heritage corridor themes;

15 (F) ensuring that clear, consistent, and ap-
16 propriate signs identifying points of public ac-
17 cess and sites of interest are posted throughout
18 the Heritage Corridor; and

19 (G) promoting a wide range of partner-
20 ships among governments, organizations, and
21 individuals to further the purposes of the Herit-
22 age Corridor;

23 (3) consider the interests of diverse units of
24 government, business, organizations, and individuals

1 in the Heritage Corridor in the preparation and im-
2 plementation of the management plan;

3 (4) conduct meetings open to the public at least
4 quarterly regarding the development and implemen-
5 tation of the management plan;

6 (5) submit an annual report to the Secretary
7 for any fiscal year in which the Commission receives
8 Federal funds under this Act, setting forth its ac-
9 complishments, expenses, and income, including
10 grants made to any other entities during the year
11 for which the report is made;

12 (6) make available for audit for any fiscal year
13 in which it receives Federal funds under this Act, all
14 information pertaining to the expenditure of such
15 funds and any matching funds, and require all
16 agreements authorizing expenditures of Federal
17 funds by other organizations, that the receiving or-
18 ganization make available for audit all records and
19 other information pertaining to the expenditure of
20 such funds; and

21 (7) encourage by appropriate means economic
22 viability that is consistent with the purposes of the
23 Heritage Corridor.

1 (b) AUTHORITIES.—The Commission may, for the
2 purposes of preparing and implementing the management
3 plan, use funds made available under this Act to—

4 (1) make grants to, and enter into cooperative
5 agreements with, the States of South Carolina,
6 North Carolina, Florida, and Georgia, political sub-
7 divisions of those States, a nonprofit organization,
8 or any person;

9 (2) hire and compensate staff;

10 (3) obtain funds from any source including any
11 that are provided under any other Federal law or
12 program; and

13 (4) contract for goods and services.

14 **SEC. 7. MANAGEMENT PLAN.**

15 (a) IN GENERAL.—The management plan for the
16 Heritage Corridor shall—

17 (1) include comprehensive policies, strategies,
18 and recommendations for conservation, funding,
19 management, and development of the Heritage Cor-
20 ridor;

21 (2) take into consideration existing State, coun-
22 ty, and local plans in the development of the man-
23 agement plan and its implementation;

24 (3) include a description of actions that govern-
25 ments, private organizations, and individuals have

1 agreed to take to protect the historical, cultural, and
2 natural resources of the Heritage Corridor;

3 (4) specify the existing and potential sources of
4 funding to protect, manage, and develop the Herit-
5 age Corridor in the first 5 years of implementation;

6 (5) include an inventory of the historical, cul-
7 tural, natural, resources of the Heritage Corridor re-
8 lated to the themes of the Heritage Corridor that
9 should be preserved, restored, managed, developed,
10 or maintained;

11 (6) recommend policies and strategies for re-
12 source management that consider and detail the ap-
13 plication of appropriate land and water management
14 techniques, including the development of intergov-
15 ernmental and interagency cooperative agreements
16 to protect the Heritage Corridor's historical, cul-
17 tural, and natural resources;

18 (7) describe a program for implementation of
19 the management plan including plans for resources
20 protection, restoration, construction, and specific
21 commitments for implementation that have been
22 made by the Commission or any government, organi-
23 zation, or individual for the first 5 years of imple-
24 mentation;

1 (8) include an analysis and recommendations
2 for the ways in which Federal, State, or local pro-
3 grams may best be coordinated to further the pur-
4 poses of this Act; and

5 (9) include an interpretive plan for the Heritage
6 Corridor.

7 (b) SUBMITTAL OF MANAGEMENT PLAN.—The Com-
8 mission shall submit the management plan to the Sec-
9 retary for approval not later than 3 years after funds are
10 made available for this Act.

11 (c) FAILURE TO SUBMIT.—If the Commission fails
12 to submit the management plan to the Secretary in ac-
13 cordance with subsection (b), the Heritage Corridor shall
14 not qualify for Federal funding until the management plan
15 is submitted.

16 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
17 PLAN.—

18 (1) IN GENERAL.—The Secretary shall approve
19 or disapprove the management plan not later than
20 90 days after receiving the management plan.

21 (2) CRITERIA.—In determining whether to ap-
22 prove the management plan, the Secretary shall con-
23 sider whether—

24 (A) the Commission has afforded adequate
25 opportunity, including public hearings, for pub-

1 lic and governmental involvement in the prepara-
2 tion of the management plan;

3 (B) the resource preservation and interpre-
4 tation strategies contained in the management
5 plan would adequately protect the cultural and
6 historic resources of the Heritage Corridor; and

7 (C) the Secretary has received adequate
8 assurances from appropriate State and local of-
9 ficials whose support is needed to ensure the ef-
10 fective implementation of the State and local
11 aspects of the plan.

12 (3) ACTION FOLLOWING DISAPPROVAL.—If the
13 Secretary disapproves the management plan, the
14 Secretary shall advise the Commission in writing of
15 the reasons therefor and shall make recommenda-
16 tions for revisions to the management plan. The Sec-
17 retary shall approve or disapprove a proposed revi-
18 sion not later than 60 days after the date it is sub-
19 mitted.

20 (4) APPROVAL OF AMENDMENTS.—Substantial
21 amendments to the management plan shall be re-
22 viewed and approved by the Secretary in the same
23 manner as provided in the original management
24 plan. The Commission shall not use Federal funds
25 authorized by this Act to implement any amend-

1 ments until the Secretary has approved the amend-
2 ments.

3 **SEC. 8. TECHNICAL AND FINANCIAL ASSISTANCE.**

4 (a) IN GENERAL.—Upon a request of the Commis-
5 sion, the Secretary may provide technical and financial as-
6 sistance for the development and implementation of the
7 management plan.

8 (b) PRIORITY FOR ASSISTANCE.—In providing assist-
9 ance under subsection (a), the Secretary shall give priority
10 to actions that assist in—

11 (1) conserving the significant cultural, histor-
12 ical, and natural resources of the Heritage Corridor;
13 and

14 (2) providing educational and interpretive op-
15 portunities consistent with the purposes of the Her-
16 itage Corridor.

17 (c) SPENDING FOR NON-FEDERAL PROPERTY.—

18 (1) IN GENERAL.—The Commission may ex-
19 pend Federal funds made available under this Act
20 on nonfederally owned property that is—

21 (A) identified in the management plan; or

22 (B) listed or eligible for listing on the Na-
23 tional Register for Historic Places.

24 (2) AGREEMENTS.—Any payment of Federal
25 funds made pursuant to this Act shall be subject to

1 an agreement that conversion, use, or disposal of a
2 project so assisted for purposes contrary to the pur-
3 poses of this Act, as determined by the Secretary,
4 shall result in a right of the United States to com-
5 pensation of all funds made available to that project
6 or the proportion of the increased value of the
7 project attributable to such funds as determined at
8 the time of such conversion, use, or disposal, which-
9 ever is greater.

10 **SEC. 9. DUTIES OF OTHER FEDERAL AGENCIES.**

11 Any Federal agency conducting or supporting activi-
12 ties directly affecting the Heritage Corridor shall—

13 (1) consult with the Secretary and the Commis-
14 sion with respect to such activities;

15 (2) cooperate with the Secretary and the Com-
16 mission in carrying out their duties under this Act
17 and, to the maximum extent practicable, coordinate
18 such activities with the carrying out of such duties;
19 and

20 (3) to the maximum extent practicable, conduct
21 or support such activities in a manner in which the
22 Commission determines will not have an adverse ef-
23 fect on the Heritage Corridor.

1 **SEC. 10. COASTAL HERITAGE CENTERS.**

2 In furtherance of the purposes of this Act and using
3 the authorities made available under this Act, the Com-
4 mission shall establish one or more Coastal Heritage Cen-
5 ters at appropriate locations within the Heritage Corridor
6 in accordance with the preferred alternative identified in
7 the Record of Decision for the Low Country Gullah Cul-
8 ture Special Resource Study and Environmental Impact
9 Study, December 2003, and additional appropriate sites.

10 **SEC. 11. PRIVATE PROPERTY PROTECTION.**

11 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
12 this Act shall be construed to require any private property
13 owner to permit public access (including Federal, State,
14 or local government access) to such private property.
15 Nothing in this Act shall be construed to modify any provi-
16 sion of Federal, State, or local law with regard to public
17 access to or use of private lands.

18 (b) LIABILITY.—Designation of the Heritage Cor-
19 ridor shall not be considered to create any liability, or to
20 have any effect on any liability under any other law, of
21 any private property owner with respect to any persons
22 injured on such private property.

23 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
24 USE.—Nothing in this Act shall be construed to modify
25 any authority of Federal, State, or local governments to
26 regulate land use.

1 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
2 IN HERITAGE CORRIDOR.—Nothing in this Act shall be
3 construed to require the owner of any private property lo-
4 cated within the boundaries of the Heritage Corridor to
5 participate in or be associated with the Heritage Corridor.

6 (e) EFFECT OF ESTABLISHMENT.—The boundaries
7 designated for the Heritage Corridor represent the area
8 within which Federal funds appropriated for the purpose
9 of this Act shall be expended. The establishment of the
10 Heritage Corridor and its boundaries shall not be con-
11 strued to provide any nonexisting regulatory authority on
12 land use within the Heritage Corridor or its viewshed by
13 the Secretary or the management entity.

14 (f) NOTIFICATION AND CONSENT OF PROPERTY
15 OWNERS REQUIRED.—No privately owned property shall
16 be preserved, conserved, or promoted by the management
17 plan for the Heritage Corridor until the owner of that pri-
18 vate property has been notified in writing by the manage-
19 ment entity and has given written consent for such preser-
20 vation, conservation, or promotion to the management en-
21 tity.

22 (g) LANDOWNER WITHDRAWAL.—Any owner of pri-
23 vate property included within the boundary of the Herit-
24 age Corridor shall have their property immediately re-

1 moved from within the boundary by submitting a written
2 request to the management entity.

3 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There is authorized to be appro-
5 priated for the purposes of this Act not more than
6 \$1,000,000 for any fiscal year. Not more than a total of
7 \$10,000,000 may be appropriated for the Heritage Cor-
8 ridor under this Act.

9 (b) COST SHARE.—Federal funding provided under
10 this Act may not exceed 50 percent of the total cost of
11 any activity for which assistance is provided under this
12 Act.

13 (c) IN-KIND CONTRIBUTIONS.—The Secretary may
14 accept in-kind contributions as part of the non-Federal
15 cost share of any activity for which assistance is provided
16 under this Act.

17 **SEC. 13. TERMINATION OF AUTHORITY.**

18 The authority of the Secretary to provide assistance
19 under this Act shall terminate on the day occurring 15
20 years after the date of the enactment of this Act.

Passed the House of Representatives March 14,
2005.

Attest:

JEFF TRANDAHL,

Clerk.