

109TH CONGRESS
1ST SESSION

S. 203

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

Referred to the Committee on Resources

AN ACT

To reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Heritage Areas Act of 2005”.

- 1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.

Sec. 102. Reduction in royalty rate on soda ash.

Sec. 103. Study.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.

Sec. 202. Findings.

Sec. 203. Definitions.

Sec. 204. Northern Rio Grande National Heritage Area.

Sec. 205. Authority and duties of the local coordinating entity.

Sec. 206. Duties of the Secretary.

Sec. 207. Savings provisions.

Sec. 208. Authorization of appropriations.

Sec. 209. Termination of authority.

Subtitle B—Atchafalaya National Heritage Area

Sec. 211. Short title.

Sec. 212. Definitions.

Sec. 213. Atchafalaya National Heritage Area.

Sec. 214. Authorities and duties of the local coordinating entity.

Sec. 215. Management plan.

Sec. 216. Requirements for inclusion of private property.

Sec. 217. Private property protection.

Sec. 218. Effect of subtitle.

Sec. 219. Reports.

Sec. 220. Authorization of appropriations.

Sec. 221. Termination of authority.

Subtitle C—Arabia Mountain National Heritage Area

Sec. 231. Short title.

Sec. 232. Findings and purposes.

Sec. 233. Definitions.

Sec. 234. Arabia Mountain National Heritage Area.

Sec. 235. Authorities and duties of the local coordinating entity.

Sec. 236. Management plan.

Sec. 237. Technical and financial assistance.

Sec. 238. Effect on certain authority.

Sec. 239. Authorization of appropriations.

Sec. 240. Termination of authority.

Subtitle D—Mormon Pioneer National Heritage Area

Sec. 251. Short title.

Sec. 252. Findings and purpose.

- Sec. 253. Definitions.
- Sec. 254. Mormon Pioneer National Heritage Area.
- Sec. 255. Designation of Alliance as local coordinating entity.
- Sec. 256. Management of the Heritage Area.
- Sec. 257. Duties and authorities of Federal agencies.
- Sec. 258. No effect on land use authority and private property.
- Sec. 259. Authorization of appropriations.
- Sec. 260. Termination of authority.

Subtitle E—Bleeding Kansas National Heritage Area

- Sec. 261. Short title.
- Sec. 262. Findings and purpose.
- Sec. 263. Definitions.
- Sec. 264. Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area.
- Sec. 265. Technical and financial assistance; other Federal agencies.
- Sec. 266. Private property protection.
- Sec. 267. Savings provisions.
- Sec. 268. Authorization of appropriations.
- Sec. 269. Termination of authority.

Subtitle F—Upper Housatonic Valley National Heritage Area

- Sec. 271. Short title.
- Sec. 272. Findings and purposes.
- Sec. 273. Definitions.
- Sec. 274. Upper Housatonic Valley National Heritage Area.
- Sec. 275. Authorities, prohibitions, and duties of the local coordinating entity.
- Sec. 276. Management plan.
- Sec. 277. Duties and authorities of the Secretary.
- Sec. 278. Duties of other Federal agencies.
- Sec. 279. Authorization of appropriations.
- Sec. 280. Termination of authority.

Subtitle G—Champlain Valley National Heritage Partnership

- Sec. 281. Short title.
- Sec. 282. Findings and purposes.
- Sec. 283. Definitions.
- Sec. 284. Heritage Partnership.
- Sec. 285. Effect.
- Sec. 286. Authorization of appropriations.
- Sec. 287. Termination of authority.

Subtitle H—Great Basin National Heritage Route

- Sec. 291. Short title.
- Sec. 291A. Findings and purposes.
- Sec. 291B. Definitions.
- Sec. 291C. Great Basin National Heritage Route.
- Sec. 291D. Memorandum of understanding.
- Sec. 291E. Management Plan.
- Sec. 291F. Authority and duties of local coordinating entity.
- Sec. 291G. Duties and authorities of Federal agencies.
- Sec. 291H. Land use regulation; applicability of Federal law.
- Sec. 291I. Authorization of appropriations.

Sec. 291J. Termination of authority.

Subtitle I—Gullah/Geechee Heritage Corridor

Sec. 295. Short title.
 Sec. 295A. Purposes.
 Sec. 295B. Definitions.
 Sec. 295C. Gullah/Geechee Cultural Heritage Corridor.
 Sec. 295D. Gullah/Geechee Cultural Heritage Corridor Commission.
 Sec. 295E. Operation of the local coordinating entity.
 Sec. 295F. Management plan.
 Sec. 295G. Technical and financial assistance.
 Sec. 295H. Duties of other Federal agencies.
 Sec. 295I. Coastal Heritage Centers.
 Sec. 295J. Private property protection.
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 Sec. 295L. Termination of authority.

Subtitle J—Crossroads of the American Revolution National Heritage Area

Sec. 297. Short title.
 Sec. 297A. Findings and purposes.
 Sec. 297B. Definitions.
 Sec. 297C. Crossroads of the American Revolution National Heritage Area.
 Sec. 297D. Management plan.
 Sec. 297E. Authorities, duties, and prohibitions applicable to the local coordinating entity.
 Sec. 297F. Technical and financial assistance; other Federal agencies.
 Sec. 297G. Authorization of appropriations.
 Sec. 297H. Termination of authority.

TITLE III—NATIONAL HERITAGE AREA STUDIES

Subtitle A—Western Reserve Heritage Area Study

Sec. 301. Short title.
 Sec. 302. National Park Service study regarding the Western Reserve, Ohio.

Subtitle B—St. Croix National Heritage Area Study

Sec. 311. Short title.
 Sec. 312. Study.

Subtitle C—Southern Campaign of the Revolution

Sec. 321. Short title.
 Sec. 322. Southern Campaign of the Revolution Heritage Area study.

TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

Sec. 401. Short title.
 Sec. 402. Transition and provisions for new local coordinating entity.
 Sec. 403. Private property protection.

TITLE V—REAUTHORIZATION OF APPROPRIATIONS FOR NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Sec. 501. Reauthorization of appropriations for New Jersey Coastal Heritage Trail Route.

1 **TITLE I—SODA ASH ROYALTY**
2 **REDUCTION**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Soda Ash Royalty Re-
5 duction Act of 2005”.

6 **SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.**

7 Notwithstanding section 102(a)(9) of the Federal
8 Land Policy Management Act of 1976 (43 U.S.C.
9 1701(a)(9)), section 24 of the Mineral Leasing Act (30
10 U.S.C. 262), and the terms of any lease under that Act,
11 the royalty rate on the quantity or gross value of the out-
12 put of sodium compounds and related products at the
13 point of shipment to market from Federal land in the 5-
14 year period beginning on the date of enactment of this
15 Act shall be 2 percent.

16 **SEC. 103. STUDY.**

17 After the end of the 4-year period beginning on the
18 date of enactment of this Act, and before the end of the
19 5-year period beginning on that date, the Secretary of the
20 Interior shall report to Congress on the effects of the roy-
21 alty reduction under this title, including—

22 (1) the amount of sodium compounds and re-
23 lated products at the point of shipment to market
24 from Federal land during that 4-year period;

1 (2) the number of jobs that have been created
2 or maintained during the royalty reduction period;

3 (3) the total amount of royalty paid to the
4 United States on the quantity or gross value of the
5 output of sodium compounds and related products at
6 the point of shipment to market produced during
7 that 4-year period, and the portion of such royalty
8 paid to States; and

9 (4) a recommendation of whether the reduced
10 royalty rate should apply after the end of the 5-year
11 period beginning on the date of enactment of this
12 Act.

13 **TITLE II—ESTABLISHMENT OF**
14 **NATIONAL HERITAGE AREAS**
15 **Subtitle A—Northern Rio Grande**
16 **National Heritage Area**

17 **SEC. 201. SHORT TITLE.**

18 This subtitle may be cited as the “Northern Rio
19 Grande National Heritage Area Act”.

20 **SEC. 202. FINDINGS.**

21 The Congress finds that—

22 (1) northern New Mexico encompasses a mosaic
23 of cultures and history, including eight Pueblos and
24 the descendants of Spanish ancestors who settled in
25 the area in 1598;

1 (2) the combination of cultures, languages, folk
2 arts, customs, and architecture make northern New
3 Mexico unique;

4 (3) the area includes spectacular natural, sce-
5 nic, and recreational resources;

6 (4) there is broad support from local govern-
7 ments and interested individuals to establish a Na-
8 tional Heritage Area to coordinate and assist in the
9 preservation and interpretation of these resources;

10 (5) in 1991, the National Park Service study
11 Alternative Concepts for Commemorating Spanish
12 Colonization identified several alternatives consistent
13 with the establishment of a National Heritage Area,
14 including conducting a comprehensive archaeological
15 and historical research program, coordinating a com-
16 prehensive interpretation program, and interpreting
17 a cultural heritage scene; and

18 (6) establishment of a National Heritage Area
19 in northern New Mexico would assist local commu-
20 nities and residents in preserving these unique cul-
21 tural, historical and natural resources.

22 **SEC. 203. DEFINITIONS.**

23 As used in this subtitle—

24 (1) the term “heritage area” means the North-
25 ern Rio Grande National Heritage Area; and

1 (2) the term “Secretary” means the Secretary
2 of the Interior.

3 **SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE**
4 **AREA.**

5 (a) ESTABLISHMENT.—There is hereby established
6 the Northern Rio Grande National Heritage Area in the
7 State of New Mexico.

8 (b) BOUNDARIES.—The heritage area shall include
9 the counties of Santa Fe, Rio Arriba, and Taos.

10 (c) LOCAL COORDINATING ENTITY.—

11 (1) The Northern Rio Grande National Herit-
12 age Area, Inc., a non-profit corporation chartered in
13 the State of New Mexico, shall serve as the local co-
14 ordinating entity for the heritage area.

15 (2) The Board of Directors for the local coordi-
16 nating entity shall include representatives of the
17 State of New Mexico, the counties of Santa Fe, Rio
18 Arriba and Taos, tribes and pueblos within the her-
19 itage area, the cities of Santa Fe, Espanola and
20 Taos, and members of the general public. The total
21 number of Board members and the number of Direc-
22 tors representing State, local and tribal governments
23 and interested communities shall be established to
24 ensure that all parties have appropriate representa-
25 tion on the Board.

1 **SEC. 205. AUTHORITY AND DUTIES OF THE LOCAL COORDI-**
2 **NATING ENTITY.**

3 (a) MANAGEMENT PLAN.—

4 (1) Not later than 3 years after the date on
5 which funds are made available to carry out this
6 subtitle, the local coordinating entity shall develop
7 and forward to the Secretary a management plan for
8 the heritage area.

9 (2) The local coordinating entity shall develop
10 and implement the management plan in cooperation
11 with affected communities, tribal and local govern-
12 ments and shall provide for public involvement in
13 the development and implementation of the manage-
14 ment plan.

15 (3) The management plan shall, at a min-
16 imum—

17 (A) provide recommendations for the con-
18 servation, funding, management, and develop-
19 ment of the resources of the heritage area;

20 (B) identify sources of funding;

21 (C) include an inventory of the cultural,
22 historical, archaeological, natural, and rec-
23 reational resources of the heritage area;

24 (D) provide recommendations for edu-
25 cational and interpretive programs to inform

1 the public about the resources of the heritage
2 area; and

3 (E) include an analysis of ways in which
4 local, State, Federal, and tribal programs may
5 best be coordinated to promote the purposes of
6 this subtitle.

7 (4) If the local coordinating entity fails to sub-
8 mit a management plan to the Secretary as provided
9 in paragraph (1), the heritage area shall no longer
10 be eligible to receive Federal funding under this sub-
11 title until such time as a plan is submitted to the
12 Secretary.

13 (5) The Secretary shall approve or disapprove
14 the management plan within 90 days after the date
15 of submission. If the Secretary disapproves the man-
16 agement plan, the Secretary shall advise the local co-
17 ordinating entity in writing of the reasons therefore
18 and shall make recommendations for revisions to the
19 plan.

20 (6) The local coordinating entity shall periodi-
21 cally review the management plan and submit to the
22 Secretary any recommendations for proposed revi-
23 sions to the management plan. Any major revisions
24 to the management plan must be approved by the
25 Secretary.

1 (b) AUTHORITY.—The local coordinating entity may
2 make grants and provide technical assistance to tribal and
3 local governments, and other public and private entities
4 to carry out the management plan.

5 (c) DUTIES.—The local coordinating entity shall—

6 (1) give priority in implementing actions set
7 forth in the management plan;

8 (2) coordinate with tribal and local governments
9 to better enable them to adopt land use policies con-
10 sistent with the goals of the management plan;

11 (3) encourage by appropriate means economic
12 viability in the heritage area consistent with the
13 goals of the management plan; and

14 (4) assist local and tribal governments and non-
15 profit organizations in—

16 (A) establishing and maintaining interpre-
17 tive exhibits in the heritage area;

18 (B) developing recreational resources in
19 the heritage area;

20 (C) increasing public awareness of, and ap-
21 preciation for, the cultural, historical, archae-
22 ological and natural resources and sites in the
23 heritage area;

24 (D) the restoration of historic structures
25 related to the heritage area; and

1 (E) carrying out other actions that the
2 local coordinating entity determines appropriate
3 to fulfill the purposes of this subtitle, consistent
4 with the management plan.

5 (d) PROHIBITION ON ACQUIRING REAL PROPERTY.—

6 The local coordinating entity shall not use Federal funds
7 received under this subtitle to acquire real property or an
8 interest in real property.

9 (e) PUBLIC MEETINGS.—The local coordinating enti-
10 ty shall hold public meetings at least annually regarding
11 the implementation of the management plan.

12 (f) ANNUAL REPORTS AND AUDITS.—

13 (1) For any year in which the local coordinating
14 entity receives Federal funds under this subtitle, the
15 local coordinating entity shall submit an annual re-
16 port to the Secretary setting forth accomplishments,
17 expenses and income, and each entity to which any
18 grant was made by the local coordinating entity.

19 (2) The local coordinating entity shall make
20 available to the Secretary for audit all records relat-
21 ing to the expenditure of Federal funds and any
22 matching funds. The local coordinating entity shall
23 also require, for all agreements authorizing expendi-
24 ture of Federal funds by other organizations, that
25 the receiving organization make available to the Sec-

1 retary for audit all records concerning the expendi-
2 ture of those funds.

3 **SEC. 206. DUTIES OF THE SECRETARY.**

4 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The
5 Secretary may, upon request of the local coordinating enti-
6 ty, provide technical and financial assistance to develop
7 and implement the management plan.

8 (b) PRIORITY.—In providing assistance under sub-
9 section (a), the Secretary shall give priority to actions that
10 facilitate—

11 (1) the conservation of the significant natural,
12 cultural, historical, archaeological, scenic, and rec-
13 reational resources of the heritage area; and

14 (2) the provision of educational, interpretive,
15 and recreational opportunities consistent with the re-
16 sources and associated values of the heritage area.

17 **SEC. 207. SAVINGS PROVISIONS.**

18 (a) NO EFFECT ON PRIVATE PROPERTY.—Nothing
19 in this subtitle shall be construed—

20 (1) to modify, enlarge, or diminish any author-
21 ity of Federal, State, or local governments to regu-
22 late any use of privately owned lands; or

23 (2) to grant the local coordinating entity any
24 authority to regulate the use of privately owned
25 lands.

1 (b) TRIBAL LANDS.—Nothing in this subtitle shall
 2 restrict or limit a tribe from protecting cultural or reli-
 3 gious sites on tribal lands.

4 (c) AUTHORITY OF GOVERNMENTS.—Nothing in this
 5 subtitle shall—

6 (1) modify, enlarge, or diminish any authority
 7 of Federal, State, tribal, or local governments to
 8 manage or regulate any use of land as provided for
 9 by law or regulation; or

10 (2) authorize the local coordinating entity to as-
 11 sume any management authorities over such lands.

12 (d) TRUST RESPONSIBILITIES.—Nothing in this sub-
 13 title shall diminish the Federal Government’s trust re-
 14 sponsibilities or government-to-government obligations to
 15 any federally recognized Indian tribe.

16 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
 18 priated to carry out this subtitle \$10,000,000, to remain
 19 available until expended, of which not more than
 20 \$1,000,000 may be authorized to be appropriated for any
 21 fiscal year.

22 (b) COST-SHARING REQUIREMENT.—The Federal
 23 share of the total cost of any activity assisted under this
 24 subtitle shall be not more than 50 percent.

1 **SEC. 209. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this subtitle terminates on the date that is 15 years
4 after the date of enactment of this Act.

5 **Subtitle B—Atchafalaya National**
6 **Heritage Area**

7 **SEC. 211. SHORT TITLE.**

8 This subtitle may be cited as the “Atchafalaya Na-
9 tional Heritage Area Act”.

10 **SEC. 212. DEFINITIONS.**

11 In this subtitle:

12 (1) **HERITAGE AREA.**—The term “Heritage
13 Area” means the Atchafalaya National Heritage
14 Area established by section 213(a).

15 (2) **LOCAL COORDINATING ENTITY.**—The term
16 “local coordinating entity” means the local coordi-
17 nating entity for the Heritage Area designated by
18 section 213(c).

19 (3) **MANAGEMENT PLAN.**—The term “manage-
20 ment plan” means the management plan for the
21 Heritage Area developed under section 215.

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

24 (5) **STATE.**—The term “State” means the State
25 of Louisiana.

1 **SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.**

2 (a) ESTABLISHMENT.—There is established in the
3 State the Atchafalaya National Heritage Area.

4 (b) BOUNDARIES.—The Heritage Area shall consist
5 of the whole of the following parishes in the State: St.
6 Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe
7 Coupee, Iberville, Assumption, Terrebonne, Lafayette,
8 West Baton Rouge, Concordia, and East Baton Rouge.

9 (c) LOCAL COORDINATING ENTITY.—

10 (1) IN GENERAL.—The Atchafalaya Trace
11 Commission shall be the local coordinating entity for
12 the Heritage Area.

13 (2) COMPOSITION.—The local coordinating enti-
14 ty shall be composed of 13 members appointed by
15 the governing authority of each parish within the
16 Heritage Area.

17 **SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL CO-**
18 **ORDINATING ENTITY.**

19 (a) AUTHORITIES.—For the purposes of developing
20 and implementing the management plan and otherwise
21 carrying out this subtitle, the local coordinating entity
22 may—

23 (1) make grants to, and enter into cooperative
24 agreements with, the State, units of local govern-
25 ment, and private organizations;

26 (2) hire and compensate staff; and

1 (3) enter into contracts for goods and services.

2 (b) DUTIES.—The local coordinating entity shall—

3 (1) submit to the Secretary for approval a man-
4 agement plan;

5 (2) implement the management plan, including
6 providing assistance to units of government and oth-
7 ers in—

8 (A) carrying out programs that recognize
9 important resource values within the Heritage
10 Area;

11 (B) encouraging sustainable economic de-
12 velopment within the Heritage Area;

13 (C) establishing and maintaining interpre-
14 tive sites within the Heritage Area; and

15 (D) increasing public awareness of, and
16 appreciation for the natural, historic, and cul-
17 tural resources of, the Heritage Area;

18 (3) adopt bylaws governing the conduct of the
19 local coordinating entity; and

20 (4) for any year for which Federal funds are re-
21 ceived under this subtitle, submit to the Secretary a
22 report that describes, for the year—

23 (A) the accomplishments of the local co-
24 ordinating entity; and

1 (B) the expenses and income of the local
2 coordinating entity.

3 (c) ACQUISITION OF REAL PROPERTY.—The local co-
4 ordinating entity shall not use Federal funds received
5 under this subtitle to acquire real property or an interest
6 in real property.

7 (d) PUBLIC MEETINGS.—The local coordinating enti-
8 ty shall conduct public meetings at least quarterly.

9 **SEC. 215. MANAGEMENT PLAN.**

10 (a) IN GENERAL.—The local coordinating entity shall
11 develop a management plan for the Heritage Area that
12 incorporates an integrated and cooperative approach to
13 protect, interpret, and enhance the natural, scenic, cul-
14 tural, historic, and recreational resources of the Heritage
15 Area.

16 (b) CONSIDERATION OF OTHER PLANS AND AC-
17 TIONS.—In developing the management plan, the local co-
18 ordinating entity shall—

19 (1) take into consideration State and local
20 plans; and

21 (2) invite the participation of residents, public
22 agencies, and private organizations in the Heritage
23 Area.

24 (c) CONTENTS.—The management plan shall in-
25 clude—

1 (1) an inventory of the resources in the Herit-
2 age Area, including—

3 (A) a list of property in the Heritage Area
4 that—

5 (i) relates to the purposes of the Her-
6 itage Area; and

7 (ii) should be preserved, restored,
8 managed, or maintained because of the sig-
9 nificance of the property; and

10 (B) an assessment of cultural landscapes
11 within the Heritage Area;

12 (2) provisions for the protection, interpretation,
13 and enjoyment of the resources of the Heritage Area
14 consistent with this subtitle;

15 (3) an interpretation plan for the Heritage
16 Area; and

17 (4) a program for implementation of the man-
18 agement plan that includes—

19 (A) actions to be carried out by units of
20 government, private organizations, and public-
21 private partnerships to protect the resources of
22 the Heritage Area; and

23 (B) the identification of existing and po-
24 tential sources of funding for implementing the
25 plan.

1 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

2 (1) IN GENERAL.—Not later than 3 years after
3 the date on which funds are made available to carry
4 out this subtitle, the local coordinating entity shall
5 submit the management plan to the Secretary for
6 approval.

7 (2) EFFECT OF FAILURE TO SUBMIT.—If a
8 management plan is not submitted to the Secretary
9 by the date specified in paragraph (1), the Secretary
10 shall not provide any additional funding under this
11 subtitle until a management plan for the Heritage
12 Area is submitted to the Secretary.

13 (e) APPROVAL.—

14 (1) IN GENERAL.—Not later than 90 days after
15 receiving the management plan submitted under
16 subsection (d)(1), the Secretary, in consultation with
17 the State, shall approve or disapprove the manage-
18 ment plan.

19 (2) ACTION FOLLOWING DISAPPROVAL.—

20 (A) IN GENERAL.—If the Secretary dis-
21 approves a management plan under paragraph
22 (1), the Secretary shall—

23 (i) advise the local coordinating entity
24 in writing of the reasons for the dis-
25 approval;

1 (ii) make recommendations for revisions to the management plan; and

2
3 (iii) allow the local coordinating entity
4 to submit to the Secretary revisions to the
5 management plan.

6 (B) DEADLINE FOR APPROVAL OF REVI-
7 SION.—Not later than 90 days after the date on
8 which a revision is submitted under subpara-
9 graph (A)(iii), the Secretary shall approve or
10 disapprove the revision.

11 (f) REVISION.—

12 (1) IN GENERAL.—After approval by the Sec-
13 retary of a management plan, the local coordinating
14 entity shall periodically—

15 (A) review the management plan; and

16 (B) submit to the Secretary, for review
17 and approval by the Secretary, the rec-
18 ommendations of the local coordinating entity
19 for any revisions to the management plan that
20 the local coordinating entity considers to be ap-
21 propriate.

22 (2) EXPENDITURE OF FUNDS.—No funds made
23 available under this subtitle shall be used to imple-
24 ment any revision proposed by the local coordinating

1 entity under paragraph (1)(B) until the Secretary
2 approves the revision.

3 **SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE**
4 **PROPERTY.**

5 (a) NOTIFICATION AND CONSENT OF PROPERTY
6 OWNERS REQUIRED.—No privately owned property shall
7 be preserved, conserved, or promoted by the management
8 plan for the Heritage Area until the owner of that private
9 property has been notified in writing by the local coordi-
10 nating entity and has given written consent to the local
11 coordinating entity for such preservation, conservation, or
12 promotion.

13 (b) LANDOWNER WITHDRAWAL.—Any owner of pri-
14 vate property included within the boundary of the Herit-
15 age Area shall have that private property immediately re-
16 moved from the boundary by submitting a written request
17 to the local coordinating entity.

18 **SEC. 217. PRIVATE PROPERTY PROTECTION.**

19 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
20 this subtitle shall be construed to—

21 (1) require any private property owner to allow
22 public access (including Federal, State, or local gov-
23 ernment access) to such private property; or

1 (2) modify any provision of Federal, State, or
 2 local law with regard to public access to or use of
 3 private property.

4 (b) LIABILITY.—Designation of the Heritage Area
 5 shall not be considered to create any liability, or to have
 6 any effect on any liability under any other law, of any pri-
 7 vate property owner with respect to any persons injured
 8 on that private property.

9 (c) PARTICIPATION OF PRIVATE PROPERTY OWNERS
 10 IN HERITAGE AREA.—Nothing in this subtitle shall be
 11 construed to require the owner of any private property lo-
 12 cated within the boundaries of the Heritage Area to par-
 13 ticipate in or be associated with the Heritage Area.

14 **SEC. 218. EFFECT OF SUBTITLE.**

15 Nothing in this subtitle or in establishment of the
 16 Heritage Area—

17 (1) grants any Federal agency regulatory au-
 18 thority over any interest in the Heritage Area, un-
 19 less cooperatively agreed on by all involved parties;

20 (2) modifies, enlarges, or diminishes any au-
 21 thority of the Federal Government or a State or
 22 local government to regulate any use of land as pro-
 23 vided for by law (including regulations) in existence
 24 on the date of enactment of this Act;

1 (3) grants any power of zoning or land use to
2 the local coordinating entity;

3 (4) imposes any environmental, occupational,
4 safety, or other rule, standard, or permitting process
5 that is different from those in effect on the date of
6 enactment of this Act that would be applicable had
7 the Heritage Area not been established;

8 (5)(A) imposes any change in Federal environ-
9 mental quality standards; or

10 (B) authorizes designation of any portion of the
11 Heritage Area that is subject to part C of title I of
12 the Clean Air Act (42 U.S.C. 7470 et seq.) as class
13 1 for the purposes of that part solely by reason of
14 the establishment of the Heritage Area;

15 (6) authorizes any Federal or State agency to
16 impose more restrictive water use designations, or
17 water quality standards on uses of or discharges to,
18 waters of the United States or waters of the State
19 within or adjacent to the Heritage Area solely by
20 reason of the establishment of the Heritage Area;

21 (7) abridges, restricts, or alters any applicable
22 rule, standard, or review procedure for permitting of
23 facilities within or adjacent to the Heritage Area; or

1 (8) affects the continuing use and operation,
2 where located on the date of enactment of this Act,
3 of any public utility or common carrier.

4 **SEC. 219. REPORTS.**

5 For any year in which Federal funds have been made
6 available under this subtitle, the local coordinating entity
7 shall submit to the Secretary a report that describes—

8 (1) the accomplishments of the local coordi-
9 nating entity; and

10 (2) the expenses and income of the local coordi-
11 nating entity.

12 **SEC. 220. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to carry out this subtitle \$10,000,000, to remain
15 available until expended, of which not more than
16 \$1,000,000 may be authorized to be appropriated for any
17 fiscal year.

18 (b) COST-SHARING REQUIREMENT.—The Federal
19 share of the total cost of any activity assisted under this
20 subtitle shall be not more than 50 percent.

21 **SEC. 221. TERMINATION OF AUTHORITY.**

22 The authority of the Secretary to provide assistance
23 to the local coordinating entity under this subtitle termi-
24 nates on the date that is 15 years after the date of enact-
25 ment of this Act.

1 **Subtitle C—Arabia Mountain**
2 **National Heritage Area**

3 **SEC. 231. SHORT TITLE.**

4 This subtitle may be cited as the “Arabia Mountain
5 National Heritage Area Act”.

6 **SEC. 232. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Arabia Mountain area contains a vari-
9 ety of natural, cultural, historical, scenic, and rec-
10 reational resources that together represent distinc-
11 tive aspects of the heritage of the United States that
12 are worthy of recognition, conservation, interpreta-
13 tion, and continuing use.

14 (2) The best methods for managing the re-
15 sources of the Arabia Mountain area would be
16 through partnerships between public and private en-
17 tities that combine diverse resources and active com-
18 munities.

19 (3) Davidson-Arabia Mountain Nature Pre-
20 serve, a 535-acre park in DeKalb County, Georgia—

21 (A) protects granite outcrop ecosystems,
22 wetland, and pine and oak forests; and

23 (B) includes federally-protected plant spe-
24 cies.

1 (4) Panola Mountain, a national natural land-
 2 mark, located in the 860-acre Panola Mountain
 3 State Conservation Park, is a rare example of a
 4 pristine granite outcrop.

5 (5) The archaeological site at Miners Creek
 6 Preserve along the South River contains documented
 7 evidence of early human activity.

8 (6) The city of Lithonia, Georgia, and related
 9 sites of Arabia Mountain and Stone Mountain pos-
 10 sess sites that display the history of granite mining
 11 as an industry and culture in Georgia, and the im-
 12 pact of that industry on the United States.

13 (7) The community of Klondike is eligible for
 14 designation as a National Historic District.

15 (8) The city of Lithonia has 2 structures listed
 16 on the National Register of Historic Places.

17 (b) PURPOSES.—The purposes of this subtitle are as
 18 follows:

19 (1) To recognize, preserve, promote, interpret,
 20 and make available for the benefit of the public the
 21 natural, cultural, historical, scenic, and recreational
 22 resources in the area that includes Arabia Mountain,
 23 Panola Mountain, Miners Creek, and other signifi-
 24 cant sites and communities.

1 (2) To assist the State of Georgia and the
2 counties of DeKalb, Rockdale, and Henry in the
3 State in developing and implementing an integrated
4 cultural, historical, and land resource management
5 program to protect, enhance, and interpret the sig-
6 nificant resources within the heritage area.

7 **SEC. 233. DEFINITIONS.**

8 In this subtitle:

9 (1) HERITAGE AREA.—The term “heritage
10 area” means the Arabia Mountain National Heritage
11 Area established by section 234(a).

12 (2) LOCAL COORDINATING ENTITY.—The term
13 “local coordinating entity” means the Arabia Moun-
14 tain Heritage Area Alliance or a successor of the
15 Arabia Mountain Heritage Area Alliance.

16 (3) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the management plan for the her-
18 itage area developed under section 236.

19 (4) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (5) STATE.—The term “State” means the State
22 of Georgia.

23 **SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

24 (a) ESTABLISHMENT.—There is established the Ara-
25 bia Mountain National Heritage Area in the State.

1 (b) BOUNDARIES.—The heritage area shall consist of
 2 certain parcels of land in the counties of DeKalb,
 3 Rockdale, and Henry in the State, as generally depicted
 4 on the map entitled “Arabia Mountain National Heritage
 5 Area”, numbered AMNHA–80,000, and dated October
 6 2003.

7 (c) AVAILABILITY OF MAP.—The map shall be on file
 8 and available for public inspection in the appropriate of-
 9 fices of the National Park Service.

10 (d) LOCAL COORDINATING ENTITY.—The Arabia
 11 Mountain Heritage Area Alliance shall be the local coordi-
 12 nating entity for the heritage area.

13 **SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL CO-**
 14 **ORDINATING ENTITY.**

15 (a) AUTHORITIES.—For purposes of developing and
 16 implementing the management plan, the local coordinating
 17 entity may—

18 (1) make grants to, and enter into cooperative
 19 agreements with, the State, political subdivisions of
 20 the State, and private organizations;

21 (2) hire and compensate staff; and

22 (3) enter into contracts for goods and services.

23 (b) DUTIES.—

24 (1) MANAGEMENT PLAN.—

1 (A) IN GENERAL.—The local coordinating
2 entity shall develop and submit to the Secretary
3 the management plan.

4 (B) CONSIDERATIONS.—In developing and
5 implementing the management plan, the local
6 coordinating entity shall consider the interests
7 of diverse governmental, business, and non-
8 profit groups within the heritage area.

9 (2) PRIORITIES.—The local coordinating entity
10 shall give priority to implementing actions described
11 in the management plan, including the following:

12 (A) Assisting units of government and
13 nonprofit organizations in preserving resources
14 within the heritage area.

15 (B) Encouraging local governments to
16 adopt land use policies consistent with the man-
17 agement of the heritage area and the goals of
18 the management plan.

19 (3) PUBLIC MEETINGS.—The local coordinating
20 entity shall conduct public meetings at least quar-
21 terly on the implementation of the management
22 plan.

23 (4) ANNUAL REPORT.—For any year in which
24 Federal funds have been made available under this
25 subtitle, the local coordinating entity shall submit to

1 the Secretary an annual report that describes the
2 following:

3 (A) The accomplishments of the local co-
4 ordinating entity.

5 (B) The expenses and income of the local
6 coordinating entity.

7 (5) AUDIT.—The local coordinating entity
8 shall—

9 (A) make available to the Secretary for
10 audit all records relating to the expenditure of
11 Federal funds and any matching funds; and

12 (B) require, with respect to all agreements
13 authorizing expenditure of Federal funds by
14 other organizations, that the receiving organiza-
15 tions make available to the Secretary for audit
16 all records concerning the expenditure of those
17 funds.

18 (c) USE OF FEDERAL FUNDS.—

19 (1) IN GENERAL.—The local coordinating entity
20 shall not use Federal funds made available under
21 this subtitle to acquire real property or an interest
22 in real property.

23 (2) OTHER SOURCES.—Nothing in this subtitle
24 precludes the local coordinating entity from using
25 Federal funds made available under other Federal

1 laws for any purpose for which the funds are author-
2 ized to be used.

3 **SEC. 236. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—The local coordinating entity shall
5 develop a management plan for the heritage area that in-
6 corporates an integrated and cooperative approach to pro-
7 tect, interpret, and enhance the natural, cultural, histor-
8 ical, scenic, and recreational resources of the heritage
9 area.

10 (b) BASIS.—The management plan shall be based on
11 the preferred concept in the document entitled “Arabia
12 Mountain National Heritage Area Feasibility Study”,
13 dated February 28, 2001.

14 (c) CONSIDERATION OF OTHER PLANS AND AC-
15 TIONS.—The management plan shall—

16 (1) take into consideration State and local
17 plans; and

18 (2) involve residents, public agencies, and pri-
19 vate organizations in the heritage area.

20 (d) REQUIREMENTS.—The management plan shall
21 include the following:

22 (1) An inventory of the resources in the herit-
23 age area, including—

24 (A) a list of property in the heritage area
25 that—

1 (i) relates to the purposes of the herit-
2 age area; and

3 (ii) should be preserved, restored,
4 managed, or maintained because of the sig-
5 nificance of the property; and

6 (B) an assessment of cultural landscapes
7 within the heritage area.

8 (2) Provisions for the protection, interpretation,
9 and enjoyment of the resources of the heritage area
10 consistent with the purposes of this subtitle.

11 (3) An interpretation plan for the heritage area.

12 (4) A program for implementation of the man-
13 agement plan that includes—

14 (A) actions to be carried out by units of
15 government, private organizations, and public-
16 private partnerships to protect the resources of
17 the heritage area; and

18 (B) the identification of existing and po-
19 tential sources of funding for implementing the
20 plan.

21 (5) A description and evaluation of the local co-
22 ordinating entity, including the membership and or-
23 ganizational structure of the local coordinating enti-
24 ty.

25 (e) SUBMISSION TO SECRETARY FOR APPROVAL.—

1 (1) IN GENERAL.—Not later than 3 years after
 2 the date on which funds are made available to carry
 3 out this subtitle, the local coordinating entity shall
 4 submit the management plan to the Secretary for
 5 approval.

6 (2) EFFECT OF FAILURE TO SUBMIT.—If a
 7 management plan is not submitted to the Secretary
 8 by the date specified in paragraph (1), the Secretary
 9 shall not provide any additional funding under this
 10 subtitle until such date as a management plan for
 11 the heritage area is submitted to the Secretary.

12 (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT
 13 PLAN.—

14 (1) IN GENERAL.—Not later than 90 days after
 15 receiving the management plan submitted under
 16 subsection (e), the Secretary, in consultation with
 17 the State, shall approve or disapprove the manage-
 18 ment plan.

19 (2) ACTION FOLLOWING DISAPPROVAL.—

20 (A) REVISION.—If the Secretary dis-
 21 approves a management plan submitted under
 22 paragraph (1), the Secretary shall—

23 (i) advise the local coordinating entity
 24 in writing of the reasons for the dis-
 25 approval;

1 (ii) make recommendations for revisions to the management plan; and

3 (iii) allow the local coordinating entity
4 to submit to the Secretary revisions to the
5 management plan.

6 (B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on
7 which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or
8
9 disapprove the revision.
10

11 (g) REVISION OF MANAGEMENT PLAN.—

12 (1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating
13 entity shall periodically—
14

15 (A) review the management plan; and

16 (B) submit to the Secretary, for review
17 and approval by the Secretary, the recommendations of the local coordinating entity
18 for any revisions to the management plan that
19 the local coordinating entity considers to be appropriate.
20
21

22 (2) EXPENDITURE OF FUNDS.—No funds made
23 available under this subtitle shall be used to implement any revision proposed by the local coordinating
24

1 entity under paragraph (1)(B) until the Secretary
2 approves the revision.

3 **SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.**

4 (a) IN GENERAL.—At the request of the local coordi-
5 nating entity, the Secretary may provide technical and fi-
6 nancial assistance to the heritage area to develop and im-
7 plement the management plan.

8 (b) PRIORITY.—In providing assistance under sub-
9 section (a), the Secretary shall give priority to actions that
10 facilitate—

11 (1) the conservation of the significant natural,
12 cultural, historical, scenic, and recreational resources
13 that support the purposes of the heritage area; and

14 (2) the provision of educational, interpretive,
15 and recreational opportunities that are consistent
16 with the resources and associated values of the herit-
17 age area.

18 **SEC. 238. EFFECT ON CERTAIN AUTHORITY.**

19 (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND
20 ENVIRONMENTAL REGULATION.—Nothing in this sub-
21 title—

22 (1) imposes an occupational, safety, conserva-
23 tion, or environmental regulation on the heritage
24 area that is more stringent than the regulations that
25 would be applicable to the land described in section

1 234(b) but for the establishment of the heritage area
 2 by section 234(a); or

3 (2) authorizes a Federal agency to promulgate
 4 an occupational, safety, conservation, or environ-
 5 mental regulation for the heritage area that is more
 6 stringent than the regulations applicable to the land
 7 described in section 234(b) as of the date of enact-
 8 ment of this Act, solely as a result of the establish-
 9 ment of the heritage area by section 234(a).

10 (b) LAND USE REGULATION.—Nothing in this sub-
 11 title—

12 (1) modifies, enlarges, or diminishes any au-
 13 thority of the Federal Government or a State or
 14 local government to regulate any use of land as pro-
 15 vided for by law (including regulations) in existence
 16 on the date of enactment of this Act; or

17 (2) grants powers of zoning or land use to the
 18 local coordinating entity.

19 **SEC. 239. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
 21 priated to carry out this subtitle \$10,000,000, to remain
 22 available until expended, of which not more than
 23 \$1,000,000 may be authorized to be appropriated for any
 24 fiscal year.

1 (b) FEDERAL SHARE.—The Federal share of the cost
 2 of any project or activity carried out using funds made
 3 available under this subtitle shall not exceed 50 percent.

4 **SEC. 240. TERMINATION OF AUTHORITY.**

5 The authority of the Secretary to provide assistance
 6 under this subtitle terminates on the date that is 15 years
 7 after the date of enactment of this Act.

8 **Subtitle D—Mormon Pioneer**
 9 **National Heritage Area**

10 **SEC. 251. SHORT TITLE.**

11 This subtitle may be cited as the “Mormon Pioneer
 12 National Heritage Area Act”.

13 **SEC. 252. FINDINGS AND PURPOSE.**

14 (a) FINDINGS.—Congress finds that—

15 (1) the historical, cultural, and natural heritage
 16 legacies of Mormon colonization and settlement are
 17 nationally significant;

18 (2) in the area starting along the Highway 89
 19 corridor at the Arizona border, passing through
 20 Kane, Garfield, Piute, Sevier, Wayne, and Sanpete
 21 Counties in the State of Utah, and terminating in
 22 Fairview, Utah, there are a variety of heritage re-
 23 sources that demonstrate—

24 (A) the colonization of the western United
 25 States; and

1 (B) the expansion of the United States as
2 a major world power;

3 (3) the great relocation to the western United
4 States was facilitated by—

5 (A) the 1,400-mile trek from Illinois to the
6 Great Salt Lake by the Mormon pioneers; and

7 (B) the subsequent colonization effort in
8 Nevada, Utah, the southeast corner of Idaho,
9 the southwest corner of Wyoming, large areas
10 of southeastern Oregon, much of southern Cali-
11 fornia, and areas along the eastern border of
12 California;

13 (4) the 250-mile Highway 89 corridor from
14 Kanab to Fairview, Utah, contains some of the best
15 features of the Mormon colonization experience in
16 the United States;

17 (5) the landscape, architecture, traditions, be-
18 liefs, folk life, products, and events along Highway
19 89 convey the heritage of the pioneer settlement;

20 (6) the Boulder Loop, Capitol Reef National
21 Park, Zion National Park, Bryce Canyon National
22 Park, and the Highway 89 area convey the compel-
23 ling story of how early settlers—

24 (A) interacted with Native Americans; and

1 (B) established towns and cities in a
2 harsh, yet spectacular, natural environment;

3 (7) the colonization and settlement of the Mor-
4 mon settlers opened up vast amounts of natural re-
5 sources, including coal, uranium, silver, gold, and
6 copper;

7 (8) the Mormon colonization played a signifi-
8 cant role in the history and progress of the develop-
9 ment and settlement of the western United States;
10 and

11 (9) the artisans, crafters, innkeepers, outfitters,
12 farmers, ranchers, loggers, miners, historic land-
13 scape, customs, national parks, and architecture in
14 the Heritage Area make the Heritage Area unique.

15 (b) PURPOSE.—The purpose of this subtitle is to es-
16 tablish the Heritage Area to—

17 (1) foster a close working relationship with all
18 levels of government, the private sector, residents,
19 business interests, and local communities in the
20 State;

21 (2) empower communities in the State to con-
22 serve, preserve, and enhance the heritage of the
23 communities while strengthening future economic
24 opportunities;

1 (3) conserve, interpret, and develop the histor-
2 ical, cultural, natural, and recreational resources
3 within the Heritage Area; and

4 (4) expand, foster, and develop heritage busi-
5 nesses and products relating to the cultural heritage
6 of the Heritage Area.

7 **SEC. 253. DEFINITIONS.**

8 In this subtitle:

9 (1) ALLIANCE.—The term “Alliance” means
10 the Utah Heritage Highway 89 Alliance.

11 (2) HERITAGE AREA.—The term “Heritage
12 Area” means the Mormon Pioneer National Herit-
13 age Area established by section 254(a).

14 (3) LOCAL COORDINATING ENTITY.—The term
15 “local coordinating entity” means the local coordi-
16 nating entity for the Heritage Area designated by
17 section 255(a).

18 (4) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the plan developed by the local
20 coordinating entity under section 256(a).

21 (5) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (6) STATE.—The term “State” means the State
24 of Utah.

1 **SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.**

2 (a) ESTABLISHMENT.—There is established the Mor-
3 mon Pioneer National Heritage Area.

4 (b) BOUNDARIES.—

5 (1) IN GENERAL.—The boundaries of the Herit-
6 age Area shall include areas in the State —

7 (A) that are related to the corridors—

8 (i) from the Arizona border northward
9 through Kanab, Utah, and to the intersec-
10 tion of Highway 89 and Highway 12, in-
11 cluding Highway 12 and Highway 24 as
12 those highways loop off Highway 89 and
13 rejoin Highway 89 at Sigurd;

14 (ii) from Highway 89 at the intersec-
15 tion of Highway 12 through Panguitch,
16 Junction, Marysvale, and Sevier County to
17 Sigurd;

18 (iii) continuing northward along High-
19 way 89 through Axtell and Sterling,
20 Sanpete County, to Fairview, Sanpete
21 County, at the junction with Utah High-
22 way 31; and

23 (iv) continuing northward along High-
24 way 89 through Fairview and Thistle
25 Junction, to the junction with Highway 6;
26 and

1 (B) including the following communities:

2 Kanab, Mt. Carmel, Orderville, Glendale, Alton,
3 Cannonville, Tropic, Henrieville, Escalante,
4 Boulder, Teasdale, Fruita, Hanksville, Torrey,
5 Bicknell, Loa, Hatch, Panquitch, Circleville,
6 Antimony, Junction, Marysvale, Koosharem,
7 Sevier, Joseph, Monroe, Elsinore, Richfield,
8 Glenwood, Sigurd, Aurora, Salina, Mayfield,
9 Sterling, Gunnison, Fayette, Manti, Ephraim,
10 Spring City, Mt. Pleasant, Moroni, Fountain
11 Green, and Fairview.

12 (2) MAP.—The Secretary shall prepare a map
13 of the Heritage Area, which shall be on file and
14 available for public inspection in the office of the Di-
15 rector of the National Park Service.

16 (3) NOTICE TO LOCAL GOVERNMENTS.—The
17 local coordinating entity shall provide to the govern-
18 ment of each city, town, and county that has juris-
19 diction over property proposed to be included in the
20 Heritage Area written notice of the proposed inclu-
21 sion.

22 (c) ADMINISTRATION.—The Heritage Area shall be
23 administered in accordance with this subtitle.

1 **SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDI-**
2 **NATING ENTITY.**

3 (a) IN GENERAL.—The Board of Directors of the Al-
4 liance shall be the local coordinating entity for the Herit-
5 age Area.

6 (b) FEDERAL FUNDING.—

7 (1) AUTHORIZATION TO RECEIVE FUNDS.—The
8 local coordinating entity may receive amounts made
9 available to carry out this subtitle.

10 (2) DISQUALIFICATION.—If a management plan
11 is not submitted to the Secretary as required under
12 section 256 within the time period specified in that
13 section, the local coordinating entity may not receive
14 Federal funding under this subtitle until a manage-
15 ment plan is submitted to the Secretary.

16 (c) USE OF FEDERAL FUNDS.—The local coordi-
17 nating entity may, for the purposes of developing and im-
18 plementing the management plan, use Federal funds made
19 available under this subtitle—

20 (1) to make grants to the State, political sub-
21 divisions of the State, nonprofit organizations, and
22 other persons;

23 (2) to enter into cooperative agreements with or
24 provide technical assistance to the State, political
25 subdivisions of the State, nonprofit organizations,
26 and other organizations;

1 (3) to hire and compensate staff;

2 (4) to obtain funds from any source under any
3 program or law requiring the recipient of funds to
4 make a contribution in order to receive the funds;
5 and

6 (5) to contract for goods and services.

7 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
8 ERTY.—The local coordinating entity shall not use Federal
9 funds received under this subtitle to acquire real property
10 or any interest in real property.

11 **SEC. 256. MANAGEMENT OF THE HERITAGE AREA.**

12 (a) HERITAGE AREA MANAGEMENT PLAN.—

13 (1) DEVELOPMENT AND SUBMISSION FOR RE-
14 VIEW.—Not later than 3 years after the date on
15 which funds are made available to carry out the sub-
16 title, the local coordinating entity, with public par-
17 ticipation, shall develop and submit for review to the
18 Secretary a management plan for the Heritage Area.

19 (2) CONTENTS.—The management plan shall—

20 (A) present comprehensive recommenda-
21 tions for the conservation, funding, manage-
22 ment, and development of the Heritage Area;

23 (B) take into consideration Federal, State,
24 county, and local plans;

1 (C) involve residents, public agencies, and
2 private organizations in the Heritage Area;

3 (D) include a description of actions that
4 units of government and private organizations
5 are recommended to take to protect the re-
6 sources of the Heritage Area;

7 (E) specify existing and potential sources
8 of Federal and non-Federal funding for the
9 conservation, management, and development of
10 the Heritage Area; and

11 (F) include—

12 (i) an inventory of resources in the
13 Heritage Area that—

14 (I) includes a list of property in
15 the Heritage Area that should be con-
16 served, restored, managed, developed,
17 or maintained because of the histor-
18 ical, cultural, or natural significance
19 of the property as the property relates
20 to the themes of the Heritage Area;
21 and

22 (II) does not include any prop-
23 erty that is privately owned unless the
24 owner of the property consents in
25 writing to the inclusion;

1 (ii) a recommendation of policies for
2 resource management that consider the ap-
3 plication of appropriate land and water
4 management techniques, including policies
5 for the development of intergovernmental
6 cooperative agreements to manage the his-
7 torical, cultural, and natural resources and
8 recreational opportunities of the Heritage
9 Area in a manner that is consistent with
10 the support of appropriate and compatible
11 economic viability;

12 (iii) a program for implementation of
13 the management plan, including plans for
14 restoration and construction;

15 (iv) a description of any commitments
16 that have been made by persons interested
17 in management of the Heritage Area;

18 (v) an analysis of means by which
19 Federal, State, and local programs may
20 best be coordinated to promote the pur-
21 poses of this subtitle; and

22 (vi) an interpretive plan for the Herit-
23 age Area.

24 (3) APPROVAL OR DISAPPROVAL OF THE MAN-
25 AGEMENT PLAN.—

1 (A) IN GENERAL.—Not later than 180
 2 days after submission of the management plan
 3 by the local coordinating entity, the Secretary
 4 shall approve or disapprove the management
 5 plan.

6 (B) DISAPPROVAL AND REVISIONS.—

7 (i) IN GENERAL.—If the Secretary
 8 disapproves the management plan, the Sec-
 9 retary shall—

10 (I) advise the local coordinating
 11 entity, in writing, of the reasons for
 12 the disapproval; and

13 (II) make recommendations for
 14 revision of the management plan.

15 (ii) APPROVAL OR DISAPPROVAL.—
 16 The Secretary shall approve or disapprove
 17 proposed revisions to the management plan
 18 not later than 60 days after receipt of the
 19 revisions from the local coordinating entity.

20 (b) PRIORITIES.—The local coordinating entity shall
 21 give priority to the implementation of actions, goals, and
 22 policies set forth in the management plan, including—

23 (1) assisting units of government, regional plan-
 24 ning organizations, and nonprofit organizations in—

1 (A) conserving the historical, cultural, and
 2 natural resources of the Heritage Area;

3 (B) establishing and maintaining interpre-
 4 tive exhibits in the Heritage Area;

5 (C) developing recreational opportunities in
 6 the Heritage Area;

7 (D) increasing public awareness of and ap-
 8 preciation for the historical, cultural, and nat-
 9 ural resources of the Heritage Area;

10 (E) restoring historic buildings that are—

11 (i) located within the boundaries of
 12 the Heritage Area; and

13 (ii) related to the theme of the Herit-
 14 age Area; and

15 (F) ensuring that clear, consistent, and en-
 16 vironmentally appropriate signs identifying ac-
 17 cess points and sites of interest are put in place
 18 throughout the Heritage Area; and

19 (2) consistent with the goals of the manage-
 20 ment plan, encouraging economic viability in the af-
 21 fected communities by appropriate means, including
 22 encouraging and soliciting the development of herit-
 23 age products.

24 (c) CONSIDERATION OF INTERESTS OF LOCAL
 25 GROUPS.—In developing and implementing the manage-

1 ment plan, the local coordinating entity shall consider the
2 interests of diverse units of government, businesses, pri-
3 vate property owners, and nonprofit organizations in the
4 Heritage Area.

5 (d) PUBLIC MEETINGS.—The local coordinating enti-
6 ty shall conduct public meetings at least annually regard-
7 ing the implementation of the management plan.

8 (e) ANNUAL REPORTS.—For any fiscal year in which
9 the local coordinating entity receives Federal funds under
10 this subtitle, the local coordinating entity shall submit to
11 the Secretary an annual report that describes—

12 (1) the accomplishments of the local coordi-
13 nating entity;

14 (2) the expenses and income of the local coordi-
15 nating entity; and

16 (3) the entities to which the local coordinating
17 entity made any grants during the year for which
18 the report is made.

19 (f) COOPERATION WITH AUDITS.—For any fiscal
20 year in which the local coordinating entity receives Federal
21 funds under this subtitle, the local coordinating entity
22 shall—

23 (1) make available for audit by Congress, the
24 Secretary, and appropriate units of government all
25 records and other information relating to the ex-

1 penditure of the Federal funds and any matching
2 funds; and

3 (2) require, with respect to all agreements au-
4 thorizing expenditure of the Federal funds by other
5 organizations, that the receiving organizations make
6 available for audit all records and other information
7 relating to the expenditure of the Federal funds.

8 (g) DELEGATION.—

9 (1) IN GENERAL.—The local coordinating entity
10 may delegate the responsibilities and actions under
11 this subtitle for each area identified in section
12 254(b)(1).

13 (2) REVIEW.—All delegated responsibilities and
14 actions are subject to review and approval by the
15 local coordinating entity.

16 **SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
17 **CIES.**

18 (a) TECHNICAL ASSISTANCE AND GRANTS.—

19 (1) IN GENERAL.—The Secretary may provide
20 technical assistance and, subject to the availability
21 of appropriations, grants to—

22 (A) units of government, nonprofit organi-
23 zations, and other persons, at the request of the
24 local coordinating entity; and

1 (B) the local coordinating entity, for use in
 2 developing and implementing the management
 3 plan.

4 (2) PROHIBITION OF CERTAIN REQUIRE-
 5 MENTS.—The Secretary may not, as a condition of
 6 the award of technical assistance or grants under
 7 this subtitle, require any recipient of the technical
 8 assistance or a grant to enact or modify any land
 9 use restriction.

10 (3) DETERMINATIONS REGARDING ASSIST-
 11 ANCE.—The Secretary shall determine whether a
 12 unit of government, nonprofit organization, or other
 13 person shall be awarded technical assistance or
 14 grants and the amount of technical assistance—

15 (A) based on the extent to which the as-
 16 sistance—

17 (i) fulfills the objectives of the man-
 18 agement plan; and

19 (ii) achieves the purposes of this sub-
 20 title; and

21 (B) after giving special consideration to
 22 projects that provide a greater leverage of Fed-
 23 eral funds.

24 (b) PROVISION OF INFORMATION.—In cooperation
 25 with other Federal agencies, the Secretary shall provide

1 the public with information concerning the location and
 2 character of the Heritage Area.

3 (c) OTHER ASSISTANCE.—The Secretary may enter
 4 into cooperative agreements with public and private orga-
 5 nizations for the purposes of implementing this subtitle.

6 (d) DUTIES OF OTHER FEDERAL AGENCIES.—A
 7 Federal entity conducting any activity directly affecting
 8 the Heritage Area shall—

9 (1) consider the potential effect of the activity
 10 on the management plan; and

11 (2) consult with the local coordinating entity
 12 with respect to the activity to minimize the adverse
 13 effects of the activity on the Heritage Area.

14 **SEC. 258. NO EFFECT ON LAND USE AUTHORITY AND PRI-**
 15 **VATE PROPERTY.**

16 (a) NO EFFECT ON LAND USE AUTHORITY.—Noth-
 17 ing in this subtitle modifies, enlarges, or diminishes any
 18 authority of Federal, State, or local government to regu-
 19 late any use of land under any other law (including regula-
 20 tions).

21 (b) NO ZONING OR LAND USE POWERS.—Nothing
 22 in this subtitle grants powers of zoning or land use control
 23 to the local coordinating entity.

1 (c) LOCAL AUTHORITY AND PRIVATE PROPERTY

2 NOT AFFECTED.—Nothing in this subtitle affects or au-

3 thorizes the local coordinating entity to interfere with—

4 (1) the right of any person with respect to pri-

5 vate property; or

6 (2) any local zoning ordinance or land use plan

7 of the State or a political subdivision of the State.

8 **SEC. 259. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-

10 priated to carry out this subtitle \$10,000,000, to remain

11 available until expended, of which not more than

12 \$1,000,000 may be authorized to be appropriated for any

13 fiscal year.

14 (b) FEDERAL SHARE.—The Federal share of the cost

15 of any activity carried out using funds made available

16 under this subtitle shall not exceed 50 percent.

17 **SEC. 260. TERMINATION OF AUTHORITY.**

18 The authority of the Secretary to provide assistance

19 under this subtitle terminates on the date that is 15 years

20 after the date of enactment of this Act.

21 **Subtitle E—Bleeding Kansas**

22 **National Heritage Area**

23 **SEC. 261. SHORT TITLE.**

24 This subtitle may be cited as the “Bleeding Kansas

25 National Heritage Area Act”.

1 **SEC. 262. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The Bleeding Kansas National Heritage
4 Area is a cohesive assemblage of natural, historic,
5 cultural, and recreational resources that—

6 (A) together represent distinctive aspects
7 of American heritage worthy of recognition,
8 conservation, interpretation, and continuing
9 use;

10 (B) are best managed through partner-
11 ships between private and public entities; and

12 (C) will build upon the Kansas rural devel-
13 opment policy and the new homestead act to
14 recognize inherent strengths of small towns and
15 rural communities—close-knit communities,
16 strong local business networks, and a tradition
17 of entrepreneurial creativity.

18 (2) The Bleeding Kansas National Heritage
19 Area reflects traditions, customs, beliefs, folk life, or
20 some combination thereof, that are a valuable part
21 of the heritage of the United States.

22 (3) The Bleeding Kansas National Heritage
23 Area provides outstanding opportunities to conserve
24 natural, cultural, or historic features, or some com-
25 bination thereof.

1 (4) The Bleeding Kansas National Heritage
2 Area provides outstanding recreational and interpre-
3 tive opportunities.

4 (5) The Bleeding Kansas National Heritage
5 Area has an identifiable theme, and resources impor-
6 tant to the theme retain integrity capable of sup-
7 porting interpretation.

8 (6) Residents, nonprofit organizations, other
9 private entities, and units of local government
10 throughout the Bleeding Kansas National Heritage
11 Area demonstrate support for designation of the
12 Bleeding Kansas National Heritage Area as a na-
13 tional heritage area and for management of the
14 Bleeding Kansas National Heritage Area as appro-
15 priate for such designation.

16 (7) Capturing these interconnected stories
17 through partnerships with National Park Service
18 sites, Kansas State Historical Society sites, local or-
19 ganizations, and citizens will augment the story op-
20 portunities within the prospective boundary for the
21 educational and recreational benefit of this and fu-
22 ture generations of Americans.

23 (8) Communities throughout this region know
24 the value of their Bleeding Kansas legacy, but re-
25 quire expansion of the existing cooperative frame-

1 work to achieve key preservation, education, and
2 other significant goals by working more closely to-
3 gether.

4 (9) The State of Kansas officially recognized
5 the national significance of the Bleeding Kansas
6 story when it designated the heritage area develop-
7 ment as a significant strategic goal within the state-
8 wide economic development plan.

9 (10) Territorial Kansas Heritage Alliance is a
10 nonprofit corporation created for the purposes of
11 preserving, interpreting, developing, promoting and,
12 making available to the public the story and re-
13 sources related to the story of Bleeding Kansas and
14 the Enduring Struggle for Freedom.

15 (11) Territorial Kansas Heritage Alliance has
16 completed a study that—

17 (A) describes in detail the role, operation,
18 financing, and functions of Territorial Kansas
19 Heritage Alliance, the local coordinating entity;
20 and

21 (B) provides adequate assurances that
22 Territorial Kansas Heritage Alliance, the local
23 coordinating entity, is likely to have the finan-
24 cial resources necessary to implement the man-
25 agement plan for the Heritage Area, including

1 resources to meet matching requirement for
2 grants.

3 (12) There are at least 7 National Historic
4 Landmarks, 32 National Register properties, 3 Kan-
5 sas Register properties, and 7 properties listed on
6 the National Underground Railroad Network to
7 Freedom that contribute to the Heritage Area as
8 well as other significant properties that have not
9 been designated at this time.

10 (13) There is an interest in interpreting all
11 sides of the Bleeding Kansas story that requires fur-
12 ther work with several counties in Missouri inter-
13 ested in joining the area.

14 (14) In 2004, the State of Kansas commemo-
15 rated the Sesquicentennial of the signing of the
16 Kansas-Nebraska Act, opening the territory to set-
17 tlement.

18 (b) PURPOSES.—The purposes of this subtitle are as
19 follows:

20 (1) To designate a region in eastern Kansas
21 and western Missouri containing nationally impor-
22 tant natural, historic, and cultural resources and
23 recreational and educational opportunities that are
24 geographically assembled and thematically related as
25 areas that provide unique frameworks for under-

1 standing the great and diverse character of the
2 United States and the development of communities
3 and their surroundings as the Bleeding Kansas Na-
4 tional Heritage Area.

5 (2) To strengthen, complement, and support
6 the Fort Scott, Brown v. Board of Education,
7 Nicodemus and Tallgrass Prairie sites through the
8 interpretation and conservation of the associated liv-
9 ing landscapes outside of the boundaries of these
10 units of the National Park System.

11 (3) To describe the extent of Federal respon-
12 sibilities and duties in regard to the Heritage Area.

13 (4) To further collaboration and partnerships
14 among Federal, State, and local governments, non-
15 profit organizations, and the private sector, or com-
16 binations thereof, to conserve and manage the re-
17 sources and opportunities in the Heritage Area
18 through grants, technical assistance, training and
19 other means.

20 (5) To authorize Federal financial and technical
21 assistance to the local coordinating entity to assist
22 in the conservation and interpretation of the Herit-
23 age Area.

24 (6) To empower communities and organizations
25 in Kansas to preserve the special historic identity of

1 Bleeding Kansas and with it the identity of the Na-
2 tion.

3 (7) To provide for the management, preserva-
4 tion, protection, and interpretation of the natural,
5 historical, and cultural resources within the region
6 for the educational and inspirational benefit of cur-
7 rent and future generations.

8 (8) To provide greater community capacity
9 through inter-local cooperation.

10 (9) To provide a vehicle, particularly in the four
11 counties with high out-migration of population, to
12 recognize that self-reliance and resilience will be the
13 keys to their economic future.

14 (10) To build upon the Kansas rural develop-
15 ment policy, the Kansas agritourism initiative and
16 the new homestead act to recognize inherent
17 strengths of small towns and rural communities—
18 close-knit communities, strong local business net-
19 works, and a tradition of entrepreneurial creativity.

20 (11) To educate and cultivate among its citi-
21 zens, particularly its youth, the stories and cultural
22 resources of the region’s legacy that—

23 (A) reflect the popular phrase “Bleeding
24 Kansas” describing the conflict over slavery

1 that became nationally prominent in Kansas
2 just before and during the American Civil War;

3 (B) reflect the commitment of American
4 settlers who first fought and killed to uphold
5 their different and irreconcilable principles of
6 freedom and equality during the years of the
7 Kansas Conflict;

8 (C) reflect the struggle for freedom, experi-
9 enced during the “Bleeding Kansas” era, that
10 continues to be a vital and pressing issue asso-
11 ciated with the real problem of democratic na-
12 tion building; and

13 (D) recreate the physical environment re-
14 vealing its impact on agriculture, transpor-
15 tation, trade and business, and social and cul-
16 tural patterns in urban and rural settings.

17 (12) To interpret the effect of the era’s demo-
18 cratic ethos on the development of America’s distinc-
19 tive political culture.

20 **SEC. 263. DEFINITIONS.**

21 In this subtitle:

22 (1) **HERITAGE AREA.**—The term “Heritage
23 Area” means the Bleeding Kansas and the Enduring
24 Struggle for Freedom National Heritage Area in
25 eastern Kansas and western Missouri.

1 (2) LOCAL COORDINATING ENTITY.—The term
 2 “local coordinating entity” means Territorial Kansas
 3 Heritage Alliance, recognized by the Secretary, in
 4 consultation with the Governors of the States, that
 5 agrees to perform the duties of a local coordinating
 6 entity under this subtitle.

7 (3) MANAGEMENT PLAN.—The term “manage-
 8 ment plan” means the management plan for the
 9 Heritage Area developed under section 264(e).

10 (4) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior.

12 (5) STATE.—The term “State” means each of
 13 the States of Kansas and Missouri.

14 (6) UNIT OF LOCAL GOVERNMENT.—The term
 15 “unit of local government” means the government of
 16 a State, a political subdivision of a State, or an In-
 17 dian tribe.

18 **SEC. 264. BLEEDING KANSAS AND THE ENDURING STRUG-**
 19 **GLE FOR FREEDOM NATIONAL HERITAGE**
 20 **AREA.**

21 (a) ESTABLISHMENT.—There is established in the
 22 States the Bleeding Kansas and the Enduring Struggle
 23 for Freedom National Heritage Area.

24 (b) BOUNDARIES.—The Heritage Area may include
 25 the following:

1 (1) An area located in eastern Kansas and
2 western Missouri, consisting of—

3 (A) Allen, Anderson, Atchison, Bourbon,
4 Chantauqua, Cherokee, Clay, Coffey, Crawford,
5 Douglas, Franklin, Geary, Jackson, Johnson,
6 Labette, Leavenworth, Linn, Miami, Neosho,
7 Pottawatomie, Riley, Shawnee, Wabaunsee, Wil-
8 son, Woodson, Wyandotte Counties in Kansas;
9 and

10 (B) Buchanan, Platte, Clay, Ray, Lafay-
11 ette, Jackson, Cass, Johnson, Bates, Vernon,
12 Barton, and Jasper Counties in Missouri.

13 (2) Contributing sites, buildings, and districts
14 within the area that are recommended by the man-
15 agement plan.

16 (c) MAP.—The final boundary of the Heritage Area
17 within the counties identified in subsection (b)(1) shall be
18 specified in the management plan. A map of the Heritage
19 Area shall be included in the management plan. The map
20 shall be on file in the appropriate offices of the National
21 Park Service, Department of the Interior.

22 (d) LOCAL COORDINATING ENTITY.—

23 (1) IN GENERAL.—The local coordinating entity
24 for the Heritage Area shall be Territorial Kansas
25 Heritage Alliance, a nonprofit organization estab-

lished in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of the local coordinating entity under this subtitle.

(2) AUTHORITIES.—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, man-

1 agement, and development of the Heritage
2 Area, in a manner consistent with the existing
3 local, State, and Federal land use laws and
4 compatible economic viability of the Heritage
5 Area;

6 (B) establish criteria or standards to meas-
7 ure what is selected for conservation, interpre-
8 tation, funding, management, and development;

9 (C) involve residents, public agencies, and
10 private organizations working in the Heritage
11 Area;

12 (D) specify and coordinate, as of the date
13 of the management plan, existing and potential
14 sources of technical and financial assistance
15 under this and other Federal laws to protect,
16 manage, and develop the Heritage Area; and

17 (E) include—

18 (i) actions to be undertaken by units
19 of government and private organizations to
20 protect, conserve, and interpret the re-
21 sources of the Heritage Area;

22 (ii) an inventory of the resources con-
23 tained in the Heritage Area, including a
24 list of any property in the Heritage Area
25 that is related to the themes of the Herit-

1 age Area and that meets the establishing
2 criteria (such as, but not exclusive to, vis-
3 itor readiness) to merit preservation, res-
4 toration, management, development, or
5 maintenance because of its natural, cul-
6 tural, historical, or recreational signifi-
7 cance;

8 (iii) policies for resource management
9 including the development of intergovern-
10 mental cooperative agreements, private sec-
11 tor agreements, or any combination there-
12 of, to protect the historical, cultural, rec-
13 reational, and natural resources of the
14 Heritage Area in a manner consistent with
15 supporting appropriate and compatible eco-
16 nomic viability;

17 (iv) a program for implementation of
18 the management plan by the designated
19 local coordinating entity, in cooperation
20 with its partners and units of local govern-
21 ment;

22 (v) evidence that relevant State, coun-
23 ty, and local plans applicable to the Herit-
24 age Area have been taken into consider-
25 ation;

1 (vi) an analysis of ways in which local,
2 State, and Federal programs may best be
3 coordinated to promote the purposes of
4 this subtitle; and

5 (vii) a business plan that—

6 (I) describes in detail the role,
7 operation, financing, and functions of
8 the local coordinating entity for each
9 activity included in the recommenda-
10 tions contained in the management
11 plan; and

12 (II) provides, to the satisfaction
13 of the Secretary, adequate assurances
14 that the local coordinating entity is
15 likely to have the financial resources
16 necessary to implement the manage-
17 ment plan for the Heritage Area, in-
18 cluding resources to meet matching
19 requirement for grants awarded under
20 this subtitle.

21 (3) CONSIDERATIONS.—In developing and im-
22 plementing the management plan, the local coordi-
23 nating entity shall consider the interests of diverse
24 governmental, business, and nonprofit groups within
25 the Heritage Area.

1 (4) DISQUALIFICATION FROM FUNDING.—If a
2 proposed management plan is not submitted to the
3 Secretary within 3 years after the date on which
4 funds are made available to carry out this subtitle,
5 the local coordinating entity shall be ineligible to re-
6 ceive additional funding under this subtitle until the
7 date on which the Secretary receives the proposed
8 management plan.

9 (5) APPROVAL AND DISAPPROVAL OF MANAGE-
10 MENT PLAN.—The Secretary shall approve or dis-
11 approve the proposed management plan submitted
12 under this subtitle not later than 90 days after re-
13 ceiving such proposed management plan.

14 (6) ACTION FOLLOWING DISAPPROVAL.—If the
15 Secretary disapproves a proposed management plan,
16 the Secretary shall advise the local coordinating enti-
17 ty in writing of the reasons for the disapproval and
18 shall make recommendations for revisions to the pro-
19 posed management plan. The Secretary shall ap-
20 prove or disapprove a proposed revision within 90
21 days after the date it is submitted.

22 (7) APPROVAL OF AMENDMENTS.—The Sec-
23 retary shall review and approve substantial amend-
24 ments to the management plan. Funds appropriated
25 under this subtitle may not be expended to imple-

1 ment any changes made by such amendment until
2 the Secretary approves the amendment.

3 (8) IMPLEMENTATION.—

4 (A) PRIORITIES.—The local coordinating
5 entity shall give priority to implementing ac-
6 tions described in the management plan, includ-
7 ing—

8 (i) assisting units of government and
9 nonprofit organizations in preserving re-
10 sources within the Heritage Area; and

11 (ii) encouraging local governments to
12 adopt land use policies consistent with the
13 management of the Heritage Area and the
14 goals of the management plan.

15 (B) PUBLIC MEETINGS.—The local coordi-
16 nating entity shall conduct public meetings at
17 least quarterly on the implementation of the
18 management plan.

19 (f) PUBLIC NOTICE.—The local coordinating entity
20 shall place a notice of each of its public meetings in a
21 newspaper of general circulation in the Heritage Area and
22 shall make the minutes of the meeting available to the
23 public.

24 (g) ANNUAL REPORT.—For any year in which Fed-
25 eral funds have been made available under this subtitle,

1 the local coordinating entity shall submit to the Secretary
2 an annual report that describes—

3 (1) the accomplishments of the local coordi-
4 nating entity; and

5 (2) the expenses and income of the local coordi-
6 nating entity.

7 (h) AUDIT.—The local coordinating entity shall—

8 (1) make available to the Secretary for audit all
9 records relating to the expenditure of Federal funds
10 and any matching funds; and

11 (2) require, with respect to all agreements au-
12 thorizing expenditure of Federal funds by other or-
13 ganizations, that the receiving organizations make
14 available to the Secretary for audit all records con-
15 cerning the expenditure of the Federal funds and
16 any matching funds.

17 (i) USE OF FEDERAL FUNDS.—

18 (1) IN GENERAL.—The local coordinating entity
19 shall not use Federal funds made available under
20 this subtitle to acquire real property or an interest
21 in real property.

22 (2) OTHER SOURCES.—Nothing in this subtitle
23 precludes the local coordinating entity from using
24 Federal funds made available under other Federal

1 laws for any purpose for which the funds are author-
2 ized to be used.

3 **SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
4 **FEDERAL AGENCIES.**

5 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

6 (1) IN GENERAL.—On the request of the local
7 coordinating entity, the Secretary may provide tech-
8 nical and financial assistance for the development
9 and implementation of the management plan.

10 (2) PRIORITY FOR ASSISTANCE.—In providing
11 assistance under paragraph (1), the Secretary shall
12 give priority to actions that assist in—

13 (A) conserving the significant cultural, his-
14 toric, and natural resources of the Heritage
15 Area; and

16 (B) providing educational, interpretive, and
17 recreational opportunities consistent with the
18 purposes of the Heritage Area.

19 (3) SPENDING FOR NON-FEDERAL PROPERTY.—
20 The local coordinating entity may expend Federal
21 funds made available under this subtitle on non-Fed-
22 eral property that—

23 (A) meets the criteria in the approved
24 management plan; or

1 (B) is listed or eligible for listing on the
2 National Register of Historic Places.

3 (4) OTHER ASSISTANCE.—The Secretary may
4 enter into cooperative agreements with public and
5 private organizations to carry out this subsection.

6 (b) OTHER FEDERAL AGENCIES.—Any Federal enti-
7 ty conducting or supporting an activity that directly af-
8 fects the Heritage Area shall—

9 (1) consider the potential effect of the activity
10 on the purposes of the Heritage Area and the man-
11 agement plan;

12 (2) consult with the local coordinating entity re-
13 garding the activity; and

14 (3) to the maximum extent practicable, conduct
15 or support the activity to avoid adverse effects on
16 the Heritage Area.

17 (c) OTHER ASSISTANCE NOT AFFECTED.—This sub-
18 title does not affect the authority of any Federal official
19 to provide technical or financial assistance under any
20 other law.

21 (d) NOTIFICATION OF OTHER FEDERAL ACTIVI-
22 TIES.—The head of each Federal agency shall provide to
23 the Secretary and the local coordinating entity, to the ex-
24 tent practicable, advance notice of all activities that may
25 have an impact on the Heritage Area.

1 **SEC. 266. PRIVATE PROPERTY PROTECTION.**

2 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
 3 this subtitle shall be construed to require any private prop-
 4 erty owner to permit public access (including Federal,
 5 State, or local government access) to such private prop-
 6 erty. Nothing in this subtitle shall be construed to modify
 7 any provision of Federal, State, or local law with regard
 8 to public access to or use of private lands.

9 (b) LIABILITY.—Designation of the Heritage Area
 10 shall not be considered to create any liability, or to have
 11 any effect on any liability under any other law, of any pri-
 12 vate property owner with respect to any persons injured
 13 on such private property.

14 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
 15 USE.—Nothing in this subtitle shall be construed to mod-
 16 ify any authority of Federal, State, or local governments
 17 to regulate land use.

18 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
 19 IN HERITAGE AREAS.—Nothing in this subtitle shall be
 20 construed to require the owner of any private property lo-
 21 cated within the boundaries of the Heritage Area to par-
 22 ticipate in or be associated with the Heritage Area.

23 (e) LAND USE REGULATION.—

24 (1) IN GENERAL.—The local coordinating entity
 25 shall provide assistance and encouragement to State
 26 and local governments, private organizations, and

1 persons to protect and promote the resources and
2 values of the Heritage Area.

3 (2) EFFECT.—Nothing in this subtitle—

4 (A) affects the authority of the State or
5 local governments to regulate under law any use
6 of land; or

7 (B) grants any power of zoning or land use
8 to the local coordinating entity.

9 (f) PRIVATE PROPERTY.—

10 (1) IN GENERAL.—The local coordinating entity
11 shall be an advocate for land management practices
12 consistent with the purposes of the Heritage Area.

13 (2) EFFECT.—Nothing in this subtitle—

14 (A) abridges the rights of any person with
15 regard to private property;

16 (B) affects the authority of the State or
17 local government regarding private property; or

18 (C) imposes any additional burden on any
19 property owner.

20 (g) REQUIREMENTS FOR INCLUSION OF PRIVATE
21 PROPERTY.—

22 (1) NOTIFICATION AND CONSENT OF PROPERTY
23 OWNERS REQUIRED.—No privately owned property
24 shall be governed by the management plan for the
25 Heritage Area until the owner of that private prop-

1 erty has been notified in writing by the local coordi-
2 nating entity and has given written consent for such
3 inclusion to the local coordinating entity.

4 (2) LANDOWNER WITHDRAWAL.—Any owner of
5 private property included within the boundary of the
6 Heritage Area, and not notified under paragraph
7 (1), shall have their property immediately removed
8 from the boundary by submitting a written request
9 to the local coordinating entity.

10 **SEC. 267. SAVINGS PROVISIONS.**

11 (a) RULES, REGULATIONS, STANDARDS, AND PER-
12 MIT PROCESSES.—Nothing in this subtitle shall be con-
13 strued to impose any environmental, occupational, safety,
14 or other rule, regulation, standard, or permit process in
15 the Heritage Area that is different from those that would
16 be applicable if the Heritage Area had not been estab-
17 lished.

18 (b) WATER AND WATER RIGHTS.—Nothing in this
19 subtitle shall be construed to authorize or imply the res-
20 ervation or appropriation of water or water rights.

21 (c) NO DIMINISHMENT OF STATE AUTHORITY.—
22 Nothing in this subtitle shall be construed to diminish the
23 authority of the State to manage fish and wildlife, includ-
24 ing the regulation of fishing and hunting within the Herit-
25 age Area.

1 **SEC. 268. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
 3 priated to carry out this subtitle \$10,000,000, to remain
 4 available until expended, of which not more than
 5 \$1,000,000 may be authorized to be appropriated for any
 6 fiscal year.

7 (b) COST-SHARING REQUIREMENT.—The Federal
 8 share of the total cost of any activity assisted under this
 9 subtitle shall be not more than 50 percent.

10 **SEC. 269. TERMINATION OF AUTHORITY.**

11 The authority of the Secretary to provide assistance
 12 under this subtitle terminates on the date that is 15 years
 13 after the date of enactment of this Act.

14 **Subtitle F—Upper Housatonic**
 15 **Valley National Heritage Area**

16 **SEC. 271. SHORT TITLE.**

17 This subtitle may be cited as the “Upper Housatonic
 18 Valley National Heritage Area Act”.

19 **SEC. 272. FINDINGS AND PURPOSES.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) The upper Housatonic Valley, encompassing
 22 29 towns in the hilly terrain of western Massachu-
 23 setts and northwestern Connecticut, is a singular
 24 geographical and cultural region that has made sig-
 25 nificant national contributions through its literary,
 26 artistic, musical, and architectural achievements, its

1 iron, paper, and electrical equipment industries, and
 2 its scenic beautification and environmental conserva-
 3 tion efforts.

4 (2) The upper Housatonic Valley has 139 prop-
 5 erties and historic districts listed on the National
 6 Register of Historic Places including—

7 (A) 5 National Historic Landmarks, in-
 8 cluding—

9 (i) Edith Wharton's home, The
 10 Mount, Lenox, Massachusetts;

11 (ii) Herman Melville's home, Arrow-
 12 head, Pittsfield, Massachusetts;

13 (iii) W.E.B. DuBois' Boyhood Home-
 14 site, Great Barrington, Massachusetts;

15 (iv) Mission House, Stockbridge, Mas-
 16 sachusetts; and

17 (v) Crane and Company Old Stone
 18 Mill Rag Room, Dalton, Massachusetts;
 19 and

20 (B) 4 National Natural Landmarks, in-
 21 cluding—

22 (i) Bartholomew's Cobble, Sheffield,
 23 Massachusetts, and Salisbury, Connecticut;

24 (ii) Beckley Bog, Norfolk, Con-
 25 necticut;

1 (iii) Bingham Bog, Salisbury, Con-
 2 necticut; and

3 (iv) Cathedral Pines, Cornwall, Con-
 4 necticut.

5 (3) Writers, artists, musicians, and vacationers
 6 have visited the region for more than 150 years to
 7 enjoy its scenic wonders, making it one of the coun-
 8 try's leading cultural resorts.

9 (4) The upper Housatonic Valley has made sig-
 10 nificant national cultural contributions through such
 11 writers as Herman Melville, Nathaniel Hawthorne,
 12 Edith Wharton, and W.E.B. DuBois, artists Daniel
 13 Chester French and Norman Rockwell, and the per-
 14 forming arts centers of Tanglewood, Music Moun-
 15 tain, Norfolk (Connecticut) Chamber Music Festival,
 16 Jacob's Pillow, and Shakespeare & Company.

17 (5) The upper Housatonic Valley is noted for
 18 its pioneering achievements in the iron, paper, and
 19 electrical generation industries and has cultural re-
 20 sources to interpret those industries.

21 (6) The region became a national leader in sce-
 22 nic beautification and environmental conservation ef-
 23 forts following the era of industrialization and defor-
 24 estation and maintains a fabric of significant con-

1 servation areas including the meandering
2 Housatonic River.

3 (7) Important historical events related to the
4 American Revolution, Shays' Rebellion, and early
5 civil rights took place in the upper Housatonic Val-
6 ley.

7 (8) The region had an American Indian pres-
8 ence going back 10,000 years, and Mohicans had a
9 formative role in contact with Europeans during the
10 17th and 18th centuries.

11 (9) The Upper Housatonic Valley National
12 Heritage Area has been proposed in order to height-
13 en appreciation of the region, preserve its natural
14 and historical resources, and improve the quality of
15 life and economy of the area.

16 (b) PURPOSES.—The purposes of this subtitle are as
17 follows:

18 (1) To establish the Upper Housatonic Valley
19 National Heritage Area in the State of Connecticut
20 and the Commonwealth of Massachusetts.

21 (2) To implement the national heritage area al-
22 ternative as described in the document entitled
23 “Upper Housatonic Valley National Heritage Area
24 Feasibility Study, 2003”.

1 (3) To provide a management framework to
 2 foster a close working relationship with all levels of
 3 government, the private sector, and the local com-
 4 munities in the upper Housatonic Valley region to
 5 conserve the region’s heritage while continuing to
 6 pursue compatible economic opportunities.

7 (4) To assist communities, organizations, and
 8 citizens in the State of Connecticut and the Com-
 9 monwealth of Massachusetts in identifying, pre-
 10 serving, interpreting, and developing the historical,
 11 cultural, scenic, and natural resources of the region
 12 for the educational and inspirational benefit of cur-
 13 rent and future generations.

14 **SEC. 273. DEFINITIONS.**

15 In this subtitle:

16 (1) HERITAGE AREA.—The term “Heritage
 17 Area” means the Upper Housatonic Valley National
 18 Heritage Area, established by section 274.

19 (2) LOCAL COORDINATING ENTITY.—The term
 20 “local coordinating entity” means the local coordi-
 21 nating entity for the Heritage Area designated by
 22 section 274(d).

23 (3) MANAGEMENT PLAN.—The term “Manage-
 24 ment Plan” means the management plan for the
 25 Heritage Area specified in section 276.

1 (4) MAP.—The term “map” means the map en-
 2 titled “Boundary Map Upper Housatonic Valley Na-
 3 tional Heritage Area”, numbered P17/80,000, and
 4 dated February 2003.

5 (5) SECRETARY.—The term “Secretary” means
 6 the Secretary of the Interior.

7 (6) STATE.—The term “State” means the State
 8 of Connecticut and the Commonwealth of Massachu-
 9 setts.

10 **SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERIT-**
 11 **AGE AREA.**

12 (a) ESTABLISHMENT.—There is established the
 13 Upper Housatonic Valley National Heritage Area, as de-
 14 picted on the map.

15 (b) BOUNDARIES.—The Heritage Area shall be com-
 16 prised of—

17 (1) part of the Housatonic River’s watershed,
 18 which extends 60 miles from Lanesboro, Massachu-
 19 setts to Kent, Connecticut;

20 (2) the towns of Canaan, Colebrook, Cornwall,
 21 Kent, Norfolk, North Canaan, Salisbury, Sharon,
 22 and Warren in Connecticut;

23 (3) the towns of Alford, Becket, Dalton,
 24 Egremont, Great Barrington, Hancock, Hinsdale,
 25 Lanesboro, Lee, Lenox, Monterey, Mount Wash-

1 ington, New Marlboro, Pittsfield, Richmond, Shef-
 2 field, Stockbridge, Tyringham, Washington, and
 3 West Stockbridge in Massachusetts; and

4 (4) the land and water within the boundaries of
 5 the Heritage Area, as depicted on the map.

6 (c) AVAILABILITY OF MAP.—The map shall be on file
 7 and available for public inspection in the appropriate of-
 8 fices of the National Park Service, Department of the In-
 9 terior.

10 (d) LOCAL COORDINATING ENTITY.—The Upper
 11 Housatonic Valley National Heritage Area, Inc. shall be
 12 the local coordinating entity for the Heritage Area.

13 **SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF**
 14 **THE LOCAL COORDINATING ENTITY.**

15 (a) DUTIES OF THE LOCAL COORDINATING ENTI-
 16 TY.—To further the purposes of the Heritage Area, the
 17 local coordinating entity shall—

18 (1) prepare and submit a management plan for
 19 the Heritage Area to the Secretary in accordance
 20 with section 276;

21 (2) assist units of local government, regional
 22 planning organizations, and nonprofit organizations
 23 in implementing the approved management plan
 24 by—

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

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

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

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

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

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

23 (3) consider the interests of diverse units of
24 government, businesses, organizations and individ-

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

3 (4) conduct meetings open to the public at least
4 semi-annually regarding the development and imple-
5 mentation of the management plan;

6 (5) submit an annual report to the Secretary
7 for any fiscal year in which the local coordinating
8 entity receives Federal funds under this subtitle, set-
9 ting forth its accomplishments, expenses, and in-
10 come, including grants to any other entities during
11 the year 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 sub-
14 title, all information pertaining to the expenditure of
15 such funds and any matching funds, and require in
16 all agreements authorizing expenditures of Federal
17 funds by other organizations, that the receiving or-
18 ganizations make available for such audit all records
19 and other information pertaining to the expenditure
20 of such funds; and

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

24 (b) AUTHORITIES.—The local coordinating entity
25 may, for the purposes of preparing and implementing the

1 management plan for the Heritage Area, use Federal
2 funds made available through this subtitle to—

3 (1) make grants to the State of Connecticut
4 and the Commonwealth of Massachusetts, their po-
5 litical subdivisions, nonprofit organizations and other
6 persons;

7 (2) enter into cooperative agreements with or
8 provide technical assistance to the State of Con-
9 necticut and the Commonwealth of Massachusetts,
10 their political jurisdictions, nonprofit organizations,
11 and other interested parties;

12 (3) hire and compensate staff, which shall in-
13 clude individuals with expertise in natural, cultural,
14 and historical resources protection, and heritage pro-
15 gramming;

16 (4) obtain money or services from any source,
17 including any that are provided under any other
18 Federal law or program;

19 (5) contract for goods or services; and

20 (6) undertake to be a catalyst for any other ac-
21 tivity that furthers the purposes of the Heritage
22 Area and is consistent with the approved manage-
23 ment plan.

24 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
25 PROPERTY.—The local coordinating entity shall not use

1 Federal funds received under this subtitle to acquire real
2 property, but may use any other source of funding, includ-
3 ing other Federal funding outside this authority, intended
4 for the acquisition of real property.

5 **SEC. 276. MANAGEMENT PLAN.**

6 (a) IN GENERAL.—The management plan for the
7 Heritage Area shall—

8 (1) include comprehensive policies, strategies,
9 and recommendations for conservation, funding,
10 management and development of the Heritage Area;

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

14 (3) include a description of actions that govern-
15 ments, private organizations, and individuals have
16 agreed to take to protect the natural, historical, and
17 cultural resources of the Heritage Area;

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

21 (5) include an inventory of the natural, histor-
22 ical, cultural, educational, scenic, and recreational
23 resources of the Heritage Area related to the themes
24 of the Heritage Area that should be preserved, re-
25 stored, managed, developed, or maintained;

1 (6) recommend policies and strategies for re-
2 source management that consider and detail the ap-
3 plication of appropriate land and water management
4 techniques including, but not limited to, the develop-
5 ment of intergovernmental and interagency coopera-
6 tive agreements to protect the Heritage Area's nat-
7 ural, historical, cultural, educational, scenic, and rec-
8 reational resources;

9 (7) describe a program of implementation for
10 the management plan including plans for resource
11 protection, restoration, construction, and specific
12 commitments for implementation that have been
13 made by the local coordinating entity or any govern-
14 ment, organization, or individual for the first 5 years
15 of implementation;

16 (8) include an analysis and recommendations
17 for ways in which local, State, and Federal pro-
18 grams, including the role of the National Park Serv-
19 ice in the Heritage Area, may best be coordinated to
20 further the purposes of this subtitle; and

21 (9) include an interpretive plan for the Heritage
22 Area.

23 (b) DEADLINE AND TERMINATION OF FUNDING.—

24 (1) DEADLINE.—Not later than 3 years after
25 funds are made available to carry out this subtitle,

1 the local coordinating entity shall submit the man-
2 agement plan to the Secretary for approval.

3 (2) TERMINATION OF FUNDING.—If the man-
4 agement plan is not submitted to the Secretary in
5 accordance with this subsection, the local coordi-
6 nating entity shall not qualify for Federal funding
7 under this subtitle until such time as the manage-
8 ment plan is submitted to and approved by the Sec-
9 retary.

10 **SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.**

11 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—The
12 Secretary may, upon the request of the local coordinating
13 entity, provide technical assistance on a reimbursable or
14 non-reimbursable basis and financial assistance to the
15 Heritage Area to develop and implement the approved
16 management plan. The Secretary is authorized to enter
17 into cooperative agreements with the local coordinating en-
18 tity and other public or private entities for this purpose.
19 In assisting the Heritage Area, the Secretary shall give
20 priority to actions that in general assist in—

21 (1) conserving the significant natural, histor-
22 ical, cultural, and scenic resources of the Heritage
23 Area; and

1 (2) providing educational, interpretive, and rec-
2 reational opportunities consistent with the purposes
3 of the Heritage Area.

4 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
5 PLAN.—

6 (1) IN GENERAL.—Not later than 90 days after
7 receiving the management plan, the Secretary shall
8 approve or disapprove the management plan.

9 (2) CRITERIA FOR APPROVAL.—In determining
10 the approval of the management plan, the Secretary
11 shall consider whether—

12 (A) the local coordinating entity is rep-
13 resentative of the diverse interests of the Herit-
14 age Area including governments, natural and
15 historic resource protection organizations, edu-
16 cational institutions, businesses, and rec-
17 reational organizations;

18 (B) the local coordinating entity has af-
19 forded adequate opportunity, including public
20 hearings, for public and governmental involve-
21 ment in the preparation of the management
22 plan;

23 (C) the resource protection and interpreta-
24 tion strategies contained in the management
25 plan, if implemented, would adequately protect

1 the natural, historical, and cultural resources of
2 the Heritage Area; and

3 (D) the Secretary has received adequate
4 assurances from the appropriate State and local
5 officials whose support is needed to ensure the
6 effective implementation of the State and local
7 aspects of the management plan.

8 (3) ACTION FOLLOWING DISAPPROVAL.—If the
9 Secretary disapproves the management plan, the
10 Secretary shall advise the local coordinating entity in
11 writing of the reasons therefore and shall make rec-
12 ommendations for revisions to the management plan.
13 Not later than 60 days after the date a proposed re-
14 vision is submitted, the Secretary shall approve or
15 disapprove the proposed revision.

16 (4) APPROVAL OF AMENDMENTS.—Substantial
17 amendments to the management plan shall be re-
18 viewed by the Secretary and approved in the same
19 manner as provided for the original management
20 plan. The local coordinating entity shall not use
21 Federal funds authorized by this subtitle to imple-
22 ment any amendments until the Secretary has ap-
23 proved the amendments.

1 **SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.**

2 Any Federal agency conducting or supporting activi-
3 ties directly affecting the Heritage Area shall—

4 (1) consult with the Secretary and the local co-
5 ordinating entity with respect to such activities;

6 (2) cooperate with the Secretary and the local
7 coordinating entity in carrying out the duties of the
8 Federal agency under this subtitle and, to the max-
9 imum extent practicable, coordinate such activities
10 with the carrying out of such duties; and,

11 (3) to the maximum extent practicable, conduct
12 or support such activities in a manner that the local
13 coordinating entity determines will not have an ad-
14 verse effect on the Heritage Area.

15 **SEC. 279. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated to carry out this subtitle \$10,000,000, to remain
18 available until expended, of which not more than
19 \$1,000,000 may be authorized to be appropriated for any
20 fiscal year.

21 (b) FEDERAL SHARE.—The Federal share of the
22 total cost of any activity assisted under this subtitle shall
23 not be more than 50 percent.

1 **SEC. 280. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this subtitle terminates on the date that is 15 years
4 after the date of enactment of this Act.

5 **Subtitle G—Champlain Valley**
6 **National Heritage Partnership**

7 **SEC. 281. SHORT TITLE.**

8 This subtitle may be cited as the “Champlain Valley
9 National Heritage Partnership Act of 2005”.

10 **SEC. 282. FINDINGS AND PURPOSES.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the Champlain Valley and its extensive cul-
13 tural and natural resources have played a significant
14 role in the history of the United States and the indi-
15 vidual States of Vermont and New York;

16 (2) archaeological evidence indicates that the
17 Champlain Valley has been inhabited by humans
18 since the last retreat of the glaciers, with the Native
19 Americans living in the area at the time of Euro-
20 pean discovery being primarily of Iroquois and
21 Algonquin descent;

22 (3) the linked waterways of the Champlain Val-
23 ley, including the Richelieu River in Canada, played
24 a unique and significant role in the establishment
25 and development of the United States and Canada
26 through several distinct eras, including—

1 (A) the era of European exploration, dur-
2 ing which Samuel de Champlain and other ex-
3 plorers used the waterways as a means of ac-
4 cess through the wilderness;

5 (B) the era of military campaigns, includ-
6 ing highly significant military campaigns of the
7 French and Indian War, the American Revolu-
8 tion, and the War of 1812; and

9 (C) the era of maritime commerce, during
10 which canals boats, schooners, and steamships
11 formed the backbone of commercial transpor-
12 tation for the region;

13 (4) those unique and significant eras are best
14 described by the theme “The Making of Nations and
15 Corridors of Commerce”;

16 (5) the artifacts and structures associated with
17 those eras are unusually well-preserved;

18 (6) the Champlain Valley is recognized as hav-
19 ing one of the richest collections of historical re-
20 sources in North America;

21 (7) the history and cultural heritage of the
22 Champlain Valley are shared with Canada and the
23 Province of Quebec;

24 (8) there are benefits in celebrating and pro-
25 moting this mutual heritage;

1 (9) tourism is among the most important indus-
 2 tries in the Champlain Valley, and heritage tourism
 3 in particular plays a significant role in the economy
 4 of the Champlain Valley;

5 (10) it is important to enhance heritage tourism
 6 in the Champlain Valley while ensuring that in-
 7 creased visitation will not impair the historical and
 8 cultural resources of the region;

9 (11) according to the 1999 report of the Na-
 10 tional Park Service entitled “Champlain Valley Her-
 11 itage Corridor Project”, “the Champlain Valley con-
 12 tains resources and represents a theme ‘The Making
 13 of Nations and Corridors of Commerce’, that is of
 14 outstanding importance in U.S. history”; and

15 (12) it is in the interest of the United States
 16 to preserve and interpret the historical and cultural
 17 resources of the Champlain Valley for the education
 18 and benefit of present and future generations.

19 (b) PURPOSES.—The purposes of this subtitle are—

20 (1) to establish the Champlain Valley National
 21 Heritage Partnership in the States of Vermont and
 22 New York to recognize the importance of the histor-
 23 ical, cultural, and recreational resources of the
 24 Champlain Valley region to the United States;

1 (2) to assist the State of Vermont and New
 2 York, including units of local government and non-
 3 governmental organizations in the States, in pre-
 4 serving, protecting, and interpreting those resources
 5 for the benefit of the people of the United States;

6 (3) to encourage—

7 (A) partnerships among State and local
 8 governments and nongovernmental organiza-
 9 tions in the United States; and

10 (B) collaboration with Canada and the
 11 Province of Quebec to—

12 (i) interpret and promote the history
 13 of the waterways of the Champlain Valley
 14 region;

15 (ii) form stronger bonds between the
 16 United States and Canada; and

17 (iii) promote the international aspects
 18 of the Champlain Valley region; and

19 (4) to provide financial and technical assistance
 20 for the purposes described in paragraphs (1)
 21 through (3).

22 **SEC. 283. DEFINITIONS.**

23 In this subtitle:

24 (1) **HERITAGE PARTNERSHIP.**—The term “Her-
 25 itage Partnership” means the Champlain Valley Na-

1 tional Heritage Partnership established by section
2 284(a).

3 (2) LOCAL COORDINATING ENTITY.—The term
4 “local coordinating entity” means the Lake Cham-
5 plain Basin Program.

6 (3) MANAGEMENT PLAN.—The term “manage-
7 ment plan” means the management plan developed
8 under section 284(b)(B)(i).

9 (4) REGION.—

10 (A) IN GENERAL.—The term “region”
11 means any area or community in 1 of the
12 States in which a physical, cultural, or histor-
13 ical resource that represents the theme is lo-
14 cated.

15 (B) INCLUSIONS.—The term “region” in-
16 cludes

17 (i) the linked navigable waterways
18 of—

19 (I) Lake Champlain;

20 (II) Lake George;

21 (III) the Champlain Canal; and

22 (IV) the portion of the Upper
23 Hudson River extending south to
24 Saratoga;

1 (ii) portions of Grand Isle, Franklin,
 2 Chittenden, Addison, Rutland, and
 3 Bennington Counties in the State of
 4 Vermont; and

5 (iii) portions of Clinton, Essex, War-
 6 ren, Saratoga and Washington Counties in
 7 the State of New York.

8 (5) SECRETARY.—The term “Secretary” means
 9 the Secretary of the Interior.

10 (6) STATE.—the term “State” means—

11 (A) the State of Vermont; and

12 (B) the State of New York.

13 (7) THEME.—The term “theme” means the
 14 theme “The Making of Nations and Corridors of
 15 Commerce”, as the term is used in the 1999 report
 16 of the National Park Service entitled “Champlain
 17 Valley Heritage Corridor Project”, that describes the
 18 periods of international conflict and maritime com-
 19 merce during which the region played a unique and
 20 significant role in the development of the United
 21 States and Canada.

22 **SEC. 284. HERITAGE PARTNERSHIP.**

23 (a) ESTABLISHMENT.—There is established in the re-
 24 gion the Champlain Valley National Heritage Partnership.

25 (b) LOCAL COORDINATING ENTITY.—

1 (1) DUTIES.—

2 (A) IN GENERAL.—The local coordinating
3 entity shall implement the subtitle.

4 (B) MANAGEMENT PLAN.—

5 (i) IN GENERAL.—The local coordi-
6 nating entity shall develop a management
7 plan for the Heritage Partnership.

8 (ii) EXISTING PLAN.—Pending the
9 completion and approval of the manage-
10 ment plan, the local coordinating entity
11 may implement the provisions of this sub-
12 title based on its federally authorized plan
13 “Opportunities for Action, an Evolving
14 Plan For Lake Champlain”.

15 (iii) CONTENTS.—The management
16 plan shall include—

17 (I) recommendations for funding,
18 managing, and developing the Herit-
19 age Partnership;

20 (II) a description of activities to
21 be carried out by public and private
22 organizations to protect the resources
23 of the Heritage Partnership;

24 (III) a list of specific, potential
25 sources of funding for the protection,

1 management, and development of the
 2 Heritage Partnership;

3 (IV) an assessment of the organi-
 4 zational capacity of the local coordi-
 5 nating entity to achieve the goals for
 6 implementation; and

7 (V) recommendations of ways in
 8 which to encourage collaboration with
 9 Canada and the Province of Quebec in
 10 implementing this title.

11 (iv) CONSIDERATIONS.—In developing
 12 the management plan under clause (i), the
 13 local coordinating entity shall take into
 14 consideration existing Federal, State, and
 15 local plans relating to the region.

16 (v) SUBMISSION TO SECRETARY FOR
 17 APPROVAL.—

18 (I) IN GENERAL.—Not later than
 19 3 years after the date on which funds
 20 are made available to carry out this
 21 subtitle, the local coordinating entity
 22 shall submit the management plan to
 23 the Secretary for approval.

24 (II) EFFECT OF FAILURE TO
 25 SUBMIT.—If a management plan is

1 not submitted to the Secretary by the
2 date specified in subclause (I), the
3 Secretary shall not provide any addi-
4 tional funding under this subtitle until
5 a management plan for the Heritage
6 Partnership is submitted to the Sec-
7 retary.

8 (vi) APPROVAL.—Not later than 90
9 days after receiving the management plan
10 submitted under clause (v)(I), the Sec-
11 retary, in consultation with the States,
12 shall approve or disapprove the manage-
13 ment plan.

14 (vii) ACTION FOLLOWING DIS-
15 APPROVAL.—

16 (I) GENERAL.—If the Secretary
17 disapproves a management plan under
18 clause (vi), the Secretary shall—

19 (aa) advise the local coordi-
20 nating entity in writing of the
21 reasons for the disapproval;

22 (bb) make recommendations
23 for revisions to the management
24 plan; and

1 (cc) allow the local coordi-
2 nating entity to submit to the
3 Secretary revisions to the man-
4 agement plan.

5 (II) DEADLINE FOR APPROVAL
6 OF REVISION.—Not later than 90
7 days after the date on which a revi-
8 sion is submitted under subclause
9 (I)(cc), the Secretary shall approve or
10 disapprove the revision.

11 (viii) AMENDMENT.—

12 (I) IN GENERAL.—After approval
13 by the Secretary of the management
14 plan, the local coordinating entity
15 shall periodically—

16 (aa) review the management
17 plan; and

18 (bb) submit to the Sec-
19 retary, for review and approval
20 by the Secretary, the rec-
21 ommendations of the local coordi-
22 nating entity for any amend-
23 ments to the management plan
24 that the local coordinating entity
25 considers to be appropriate.

1 (II) EXPENDITURE OF FUNDS.—

2 No funds made available under this
 3 title shall be used to implement any
 4 amendment proposed by the local co-
 5 ordinating entity under subclause
 6 (I)(bb) until the Secretary approves
 7 the amendments.

8 (2) PARTNERSHIPS.—

9 (A) IN GENERAL.—In carrying out this
 10 subtitle, the local coordinating entity may enter
 11 into partnerships with—

- 12 (i) the States, including units of local
- 13 governments in the States;
- 14 (ii) nongovernmental organizations;
- 15 (iii) Indian tribes; and
- 16 (iv) other persons in the Heritage
- 17 Partnership.

18 (B) GRANTS.—Subject to the availability
 19 of funds, the local coordinating entity may pro-
 20 vide grants to partners under subparagraph (A)
 21 to assist in implementing this subtitle.

22 (3) PROHIBITION ON THE ACQUISITION OF
 23 REAL PROPERTY.—The local coordinating entity
 24 shall not use Federal funds made available under

1 this subtitle to acquire real property or any interest
2 in real property.

3 (c) ASSISTANCE FROM SECRETARY.—To carry out
4 the purposes of this subtitle, the Secretary may provide
5 technical and financial assistance to the local coordinating
6 entity.

7 **SEC. 285. EFFECT.**

8 Nothing in this subtitle—

9 (1) grants powers of zoning or land use to the
10 local coordinating entity;

11 (2) modifies, enlarges, or diminishes the author-
12 ity of the Federal Government or a State or local
13 government to manage or regulate any use of land
14 under any law (including regulations); or

15 (3) obstructs or limits private business develop-
16 ment activities or resource development activities.

17 **SEC. 286. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated to carry out this title not more than a total of
20 \$10,000,000, to remain available until expended, of which
21 not more than \$1,000,000 may be authorized to be appro-
22 priated for any fiscal year.

23 (b) NON-FEDERAL SHARE.—The Federal share of
24 the total cost of any activity assisted under this subtitle
25 shall not be more than 50 percent.

1 **SEC. 287. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this subtitle terminates on the date that is 15 years
4 after the date of enactment of this Act.

5 **Subtitle H—Great Basin National**
6 **Heritage Route**

7 **SEC. 291. SHORT TITLE.**

8 This subtitle may be cited as the “Great Basin Na-
9 tional Heritage Route Act”.

10 **SEC. 291A. FINDINGS AND PURPOSES.**

11 (a) FINDINGS.—Congress finds that—

12 (1) the natural, cultural, and historic heritage
13 of the North American Great Basin is nationally sig-
14 nificant;

15 (2) communities along the Great Basin Herit-
16 age Route (including the towns of Delta, Utah, Ely,
17 Nevada, and the surrounding communities) are lo-
18 cated in a classic western landscape that contains
19 long natural vistas, isolated high desert valleys,
20 mountain ranges, ranches, mines, historic railroads,
21 archaeological sites, and tribal communities;

22 (3) the Native American, pioneer, ranching,
23 mining, timber, and railroad heritages associated
24 with the Great Basin Heritage Route include the so-
25 cial history and living cultural traditions of a rich di-
26 versity of nationalities;

1 (4) the pioneer, Mormon, and other religious
2 settlements, and ranching, timber, and mining ac-
3 tivities of the region played and continue to play a
4 significant role in the development of the United
5 States, shaped by—

6 (A) the unique geography of the Great
7 Basin;

8 (B) an influx of people of Greek, Chinese,
9 Basque, Serb, Croat, Italian, and Hispanic de-
10 scent; and

11 (C) a Native American presence (Western
12 Shoshone, Northern and Southern Paiute, and
13 Goshute) that continues in the Great Basin
14 today;

15 (5) the Great Basin housed internment camps
16 for Japanese-American citizens during World War
17 II, 1 of which, Topaz, was located along the Herit-
18 age Route;

19 (6) the pioneer heritage of the Heritage Route
20 includes the Pony Express route and stations, the
21 Overland Stage, and many examples of 19th century
22 exploration of the western United States;

23 (7) the Native American heritage of the Herit-
24 age Route dates back thousands of years and in-
25 cludes—

- 1 (A) archaeological sites;
- 2 (B) petroglyphs and pictographs;
- 3 (C) the westernmost village of the Fremont
- 4 culture; and
- 5 (D) communities of Western Shoshone,
- 6 Paiute, and Goshute tribes;
- 7 (8) the Heritage Route contains multiple bio-
- 8 logically diverse ecological communities that are
- 9 home to exceptional species such as—
- 10 (A) bristlecone pines, the oldest living trees
- 11 in the world;
- 12 (B) wildlife adapted to harsh desert condi-
- 13 tions;
- 14 (C) unique plant communities, lakes, and
- 15 streams; and
- 16 (D) native Bonneville cutthroat trout;
- 17 (9) the air and water quality of the Heritage
- 18 Route is among the best in the United States, and
- 19 the clear air permits outstanding viewing of the
- 20 night skies;
- 21 (10) the Heritage Route includes unique and
- 22 outstanding geologic features such as numerous
- 23 limestone caves, classic basin and range topography
- 24 with playa lakes, alluvial fans, volcanics, cold and

1 hot springs, and recognizable features of ancient
2 Lake Bonneville;

3 (11) the Heritage Route includes an unusual
4 variety of open space and recreational and edu-
5 cational opportunities because of the great quantity
6 of ranching activity and public land (including city,
7 county, and State parks, national forests, Bureau of
8 Land Management land, and a national park);

9 (12) there are significant archaeological, histor-
10 ical, cultural, natural, scenic, and recreational re-
11 sources in the Great Basin to merit the involvement
12 of the Federal Government in the development, in
13 cooperation with the Great Basin Heritage Route
14 Partnership and other local and governmental enti-
15 ties, of programs and projects to—

16 (A) adequately conserve, protect, and in-
17 terpret the heritage of the Great Basin for
18 present and future generations; and

19 (B) provide opportunities in the Great
20 Basin for education; and

21 (13) the Great Basin Heritage Route Partner-
22 ship shall serve as the local coordinating entity for
23 a Heritage Route established in the Great Basin.

24 (b) PURPOSES.—The purposes of this subtitle are—

1 (1) to foster a close working relationship with
2 all levels of government, the private sector, and the
3 local communities within White Pine County, Ne-
4 vada, Millard County, Utah, and the Duckwater
5 Shoshone Reservation;

6 (2) to enable communities referred to in para-
7 graph (1) to conserve their heritage while continuing
8 to develop economic opportunities; and

9 (3) to conserve, interpret, and develop the ar-
10 chaeological, historical, cultural, natural, scenic, and
11 recreational resources related to the unique ranch-
12 ing, industrial, and cultural heritage of the Great
13 Basin, in a manner that promotes multiple uses per-
14 mitted as of the date of enactment of this Act, with-
15 out managing or regulating land use.

16 **SEC. 291B. DEFINITIONS.**

17 In this subtitle:

18 (1) GREAT BASIN.—The term “Great Basin”
19 means the North American Great Basin.

20 (2) HERITAGE ROUTE.—The term “Heritage
21 Route” means the Great Basin National Heritage
22 Route established by section 291C(a).

23 (3) LOCAL COORDINATING ENTITY.—The term
24 “local coordinating entity” means the Great Basin

1 Heritage Route Partnership established by section
2 291C(c).

3 (4) MANAGEMENT PLAN.—The term “manage-
4 ment plan” means the plan developed by the local
5 coordinating entity under section 291E(a).

6 (5) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the Di-
8 rector of the National Park Service.

9 **SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.**

10 (a) ESTABLISHMENT.—There is established the
11 Great Basin National Heritage Route to provide the public
12 with access to certain historical, cultural, natural, scenic,
13 and recreational resources in White Pine County, Nevada,
14 Millard County, Utah, and the Duckwater Shoshone Res-
15 ervation in the State of Nevada, as designated by the local
16 coordinating entity.

17 (b) BOUNDARIES.—The local coordinating entity
18 shall determine the specific boundaries of the Heritage
19 Route.

20 (c) LOCAL COORDINATING ENTITY.—

21 (1) IN GENERAL.—The Great Basin Heritage
22 Route Partnership shall serve as the local coordi-
23 nating entity for the Heritage Route.

1 (2) BOARD OF DIRECTORS.—The Great Basin
 2 Heritage Route Partnership shall be governed by a
 3 board of directors that consists of—

4 (A) 4 members who are appointed by the
 5 Board of County Commissioners for Millard
 6 County, Utah;

7 (B) 4 members who are appointed by the
 8 Board of County Commissioners for White Pine
 9 County, Nevada; and

10 (C) a representative appointed by each Na-
 11 tive American Tribe participating in the Herit-
 12 age Route.

13 **SEC. 291D. MEMORANDUM OF UNDERSTANDING.**

14 (a) IN GENERAL.—In carrying out this subtitle, the
 15 Secretary, in consultation with the Governors of the States
 16 of Nevada and Utah and the tribal government of each
 17 Indian tribe participating in the Heritage Route, shall
 18 enter into a memorandum of understanding with the local
 19 coordinating entity.

20 (b) INCLUSIONS.—The memorandum of under-
 21 standing shall include information relating to the objec-
 22 tives and management of the Heritage Route, including—

23 (1) a description of the resources of the Herit-
 24 age Route;

1 (2) a discussion of the goals and objectives of
2 the Heritage Route, including—

3 (A) an explanation of the proposed ap-
4 proach to conservation, development, and inter-
5 pretation; and

6 (B) a general outline of the anticipated
7 protection and development measures;

8 (3) a description of the local coordinating enti-
9 ty;

10 (4) a list and statement of the financial com-
11 mitment of the initial partners to be involved in de-
12 veloping and implementing the management plan;
13 and

14 (5) a description of the role of the States of Ne-
15 vada and Utah in the management of the Heritage
16 Route.

17 (c) ADDITIONAL REQUIREMENTS.—In developing the
18 terms of the memorandum of understanding, the Sec-
19 retary and the local coordinating entity shall—

20 (1) provide opportunities for local participation;
21 and

22 (2) include terms that ensure, to the maximum
23 extent practicable, timely implementation of all as-
24 pects of the memorandum of understanding.

25 (d) AMENDMENTS.—

1 (1) IN GENERAL.—The Secretary shall review
2 any amendments of the memorandum of under-
3 standing proposed by the local coordinating entity or
4 the Governor of the State of Nevada or Utah.

5 (2) USE OF FUNDS.—Funds made available
6 under this subtitle shall not be expended to imple-
7 ment a change made by a proposed amendment de-
8 scribed in paragraph (1) until the Secretary ap-
9 proves the amendment.

10 **SEC. 291E. MANAGEMENT PLAN.**

11 (a) IN GENERAL.—Not later than 3 years after the
12 date on which funds are made available to carry out this
13 subtitle, the local coordinating entity shall develop and
14 submit to the Secretary for approval a management plan
15 for the Heritage Route that—

16 (1) specifies—

17 (A) any resources designated by the local
18 coordinating entity under section 291C(a); and

19 (B) the specific boundaries of the Heritage
20 Route, as determined under section 291C(b);
21 and

22 (2) presents clear and comprehensive rec-
23 ommendations for the conservation, funding, man-
24 agement, and development of the Heritage Route.

1 (b) CONSIDERATIONS.—In developing the manage-
2 ment plan, the local coordinating entity shall—

3 (1) provide for the participation of local resi-
4 dents, public agencies, and private organizations lo-
5 cated within the counties of Millard County, Utah,
6 White Pine County, Nevada, and the Duckwater
7 Shoshone Reservation in the protection and develop-
8 ment of resources of the Heritage Route, taking into
9 consideration State, tribal, county, and local land
10 use plans in existence on the date of enactment of
11 this Act;

12 (2) identify sources of funding;

13 (3) include—

14 (A) a program for implementation of the
15 management plan by the local coordinating en-
16 tity, including—

17 (i) plans for restoration, stabilization,
18 rehabilitation, and construction of public
19 or tribal property; and

20 (ii) specific commitments by the iden-
21 tified partners referred to in section
22 291D(b)(4) for the first 5 years of oper-
23 ation; and

24 (B) an interpretation plan for the Heritage
25 Route; and

1 (4) develop a management plan that will not in-
2 fringe on private property rights without the consent
3 of the owner of the private property.

4 (c) FAILURE TO SUBMIT.—If the local coordinating
5 entity fails to submit a management plan to the Secretary
6 in accordance with subsection (a), the Heritage Route
7 shall no longer qualify for Federal funding.

8 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
9 PLAN.—

10 (1) IN GENERAL.—Not later than 90 days after
11 receipt of a management plan under subsection (a),
12 the Secretary, in consultation with the Governors of
13 the States of Nevada and Utah, shall approve or dis-
14 approve the management plan.

15 (2) CRITERIA.—In determining whether to ap-
16 prove a management plan, the Secretary shall con-
17 sider whether the management plan—

18 (A) has strong local support from a diver-
19 sity of landowners, business interests, nonprofit
20 organizations, and governments associated with
21 the Heritage Route;

22 (B) is consistent with and complements
23 continued economic activity along the Heritage
24 Route;

1 (C) has a high potential for effective part-
2 nership mechanisms;

3 (D) avoids infringing on private property
4 rights; and

5 (E) provides methods to take appropriate
6 action to ensure that private property rights are
7 observed.

8 (3) ACTION FOLLOWING DISAPPROVAL.—If the
9 Secretary disapproves a management plan under
10 paragraph (1), the Secretary shall—

11 (A) advise the local coordinating entity in
12 writing of the reasons for the disapproval;

13 (B) make recommendations for revisions to
14 the management plan; and

15 (C) not later than 90 days after the receipt
16 of any proposed revision of the management
17 plan from the local coordinating entity, approve
18 or disapprove the proposed revision.

19 (e) IMPLEMENTATION.—On approval of the manage-
20 ment plan as provided in subsection (d)(1), the local co-
21 ordinating entity, in conjunction with the Secretary, shall
22 take appropriate steps to implement the management
23 plan.

24 (f) AMENDMENTS.—

1 (1) IN GENERAL.—The Secretary shall review
2 each amendment to the management plan that the
3 Secretary determines may make a substantial
4 change to the management plan.

5 (2) USE OF FUNDS.—Funds made available
6 under this subtitle shall not be expended to imple-
7 ment an amendment described in paragraph (1)
8 until the Secretary approves the amendment.

9 **SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDI-**
10 **NATING ENTITY.**

11 (a) AUTHORITIES.—The local coordinating entity
12 may, for purposes of preparing and implementing the
13 management plan, use funds made available under this
14 subtitle to—

15 (1) make grants to, and enter into cooperative
16 agreements with, a State (including a political sub-
17 division), an Indian tribe, a private organization, or
18 any person; and

19 (2) hire and compensate staff.

20 (b) DUTIES.—In addition to developing the manage-
21 ment plan, the local coordinating entity shall—

22 (1) give priority to implementing the memo-
23 randum of understanding and the management plan,
24 including taking steps to—

1 (A) assist units of government, regional
2 planning organizations, and nonprofit organiza-
3 tions in—

4 (i) establishing and maintaining inter-
5 pretive exhibits along the Heritage Route;

6 (ii) developing recreational resources
7 along the Heritage Route;

8 (iii) increasing public awareness of
9 and appreciation for the archaeological,
10 historical, cultural, natural, scenic, and
11 recreational resources and sites along the
12 Heritage Route; and

13 (iv) if requested by the owner, restor-
14 ing, stabilizing, or rehabilitating any pri-
15 vate, public, or tribal historical building re-
16 lating to the themes of the Heritage Route;

17 (B) encourage economic viability and diver-
18 sity along the Heritage Route in accordance
19 with the objectives of the management plan;
20 and

21 (C) encourage the installation of clear,
22 consistent, and environmentally appropriate
23 signage identifying access points and sites of in-
24 terest along the Heritage Route;

1 (2) consider the interests of diverse govern-
2 mental, business, and nonprofit groups associated
3 with the Heritage Route;

4 (3) conduct public meetings in the region of the
5 Heritage Route at least semiannually regarding the
6 implementation of the management plan;

7 (4) submit substantial amendments (including
8 any increase of more than 20 percent in the cost es-
9 timates for implementation) to the management plan
10 to the Secretary for approval by the Secretary; and

11 (5) for any year for which Federal funds are re-
12 ceived under this subtitle—

13 (A) submit to the Secretary a report that
14 describes, for the year—

15 (i) the accomplishments of the local
16 coordinating entity;

17 (ii) the expenses and income of the
18 local coordinating entity; and

19 (iii) each entity to which any loan or
20 grant was made;

21 (B) make available for audit all records
22 pertaining to the expenditure of the funds and
23 any matching funds; and

24 (C) require, for all agreements authorizing
25 the expenditure of Federal funds by any entity,

1 that the receiving entity make available for
2 audit all records pertaining to the expenditure
3 of the funds.

4 (c) PROHIBITION ON THE ACQUISITION OF REAL
5 PROPERTY.—The local coordinating entity shall not use
6 Federal funds made available under this subtitle to ac-
7 quire real property or any interest in real property.

8 (d) PROHIBITION ON THE REGULATION OF LAND
9 USE.—The local coordinating entity shall not regulate
10 land use within the Heritage Route.

11 **SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
12 **CIES.**

13 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

14 (1) IN GENERAL.—The Secretary may, on re-
15 quest of the local coordinating entity, provide tech-
16 nical and financial assistance to develop and imple-
17 ment the management plan and memorandum of un-
18 derstanding.

19 (2) PRIORITY FOR ASSISTANCE.—In providing
20 assistance under paragraph (1), the Secretary shall,
21 on request of the local coordinating entity, give pri-
22 ority to actions that assist in—

23 (A) conserving the significant archae-
24 ological, historical, cultural, natural, scenic, and

1 recreational resources of the Heritage Route;
 2 and

3 (B) providing education, interpretive, and
 4 recreational opportunities, and other uses con-
 5 sistent with those resources.

6 (b) APPLICATION OF FEDERAL LAW.—The establish-
 7 ment of the Heritage Route shall have no effect on the
 8 application of any Federal law to any property within the
 9 Heritage Route.

10 **SEC. 291H. LAND USE REGULATION; APPLICABILITY OF**
 11 **FEDERAL LAW.**

12 (a) LAND USE REGULATION.—Nothing in this sub-
 13 title—

14 (1) modifies, enlarges, or diminishes any au-
 15 thority of the Federal, State, tribal, or local govern-
 16 ment to regulate by law (including by regulation)
 17 any use of land; or

18 (2) grants any power of zoning or land use to
 19 the local coordinating entity.

20 (b) APPLICABILITY OF FEDERAL LAW.—Nothing in
 21 this subtitle—

22 (1) imposes on the Heritage Route, as a result
 23 of the designation of the Heritage Route, any regu-
 24 lation that is not applicable to the area within the

1 Heritage Route as of the date of enactment of this
2 Act; or

3 (2) authorizes any agency to promulgate a reg-
4 ulation that applies to the Heritage Route solely as
5 a result of the designation of the Heritage Route
6 under this subtitle.

7 **SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated to carry out this subtitle \$10,000,000, of which
10 not more than \$1,000,000 may be made available for any
11 fiscal year.

12 (b) COST SHARING.—

13 (1) FEDERAL SHARE.—The Federal share of
14 the cost of any activity assisted under this subtitle
15 shall not exceed 50 percent.

16 (2) FORM OF NON-FEDERAL SHARE.—The non-
17 Federal share may be in the form of in-kind con-
18 tributions, donations, grants, and loans from individ-
19 uals and State or local governments or agencies.

20 **SEC. 291J. TERMINATION OF AUTHORITY.**

21 The authority of the Secretary to provide assistance
22 under this subtitle terminates on the date that is 15 years
23 after the date of enactment of this Act.

Subtitle I—Gullah/Geechee Heritage Corridor

SEC. 295. SHORT TITLE.

This subtitle may be cited as the “Gullah/Geechee Cultural Heritage Act”.

SEC. 295A. PURPOSES.

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

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

SEC. 295B. DEFINITIONS.

In this subtitle:

(1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Gullah/

1 Geechee Cultural Heritage Corridor Commission es-
2 tablished by section 295D(a).

3 (2) HERITAGE CORRIDOR.—The term “Herit-
4 age Corridor” means the Gullah/Geechee Cultural
5 Heritage Corridor established by section 295C(a).

6 (3) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 **SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE COR-**
9 **RIDOR.**

10 (a) ESTABLISHMENT.—There is established the
11 Gullah/Geechee Cultural Heritage Corridor.

12 (b) BOUNDARIES.—

13 (1) IN GENERAL.—The Heritage Corridor shall
14 be comprised of those lands and waters generally de-
15 picted on a map entitled “Gullah/Geechee Cultural
16 Heritage Corridor” numbered GGCHC 80,000 and
17 dated September 2004. The map shall be on file and
18 available for public inspection in the appropriate of-
19 fices of the National Park Service and in an appro-
20 priate State office in each of the States included in
21 the Heritage Corridor. The Secretary shall publish
22 in the Federal Register, as soon as practicable after
23 the date of enactment of this Act, a detailed descrip-
24 tion and map of the boundaries established under
25 this subsection.

1 (2) REVISIONS.—The boundaries of the Herit-
2 age Corridor may be revised if the revision is—

3 (A) proposed in the management plan de-
4 veloped for the Heritage Corridor;

5 (B) approved by the Secretary in accord-
6 ance with this subtitle; and

7 (C) placed on file in accordance with para-
8 graph (1).

9 (c) ADMINISTRATION.—The Heritage Corridor shall
10 be administered in accordance with the provisions of this
11 subtitle.

12 **SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE COR-**
13 **RIDOR COMMISSION.**

14 (a) ESTABLISHMENT.—There is hereby established a
15 local coordinating entity to be known as the “Gullah/
16 Geechee Cultural Heritage Corridor Commission” whose
17 purpose shall be to assist Federal, State, and local au-
18 thorities in the development and implementation of a man-
19 agement plan for those land and waters specified in sec-
20 tion 295C(b).

21 (b) MEMBERSHIP.—The local coordinating entity
22 shall be composed of 15 members appointed by the Sec-
23 retary as follows:

24 (1) Four individuals nominated by the State
25 Historic Preservation Officer of South Carolina and

1 two individuals each nominated by the State Historic
2 Preservation Officer of each of Georgia, North Caro-
3 lina, and Florida and appointed by the Secretary.

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

9 (c) TERMS.—Members of the local coordinating enti-
10 ty shall be appointed to terms not to exceed 3 years. The
11 Secretary may stagger the terms of the initial appoint-
12 ments to the local coordinating entity in order to assure
13 continuity of operation. Any member of the local coordi-
14 nating entity may serve after the expiration of their term
15 until a successor is appointed. A vacancy shall be filled
16 in the same manner in which the original appointment was
17 made.

18 (d) TERMINATION.—The local coordinating entity
19 shall terminate 10 years after the date of enactment of
20 this Act.

21 **SEC. 295E. OPERATION OF THE LOCAL COORDINATING EN-**
22 **TITY.**

23 (a) DUTIES OF THE LOCAL COORDINATING ENTI-
24 TY.—To further the purposes of the Heritage Corridor,
25 the local coordinating entity shall—

1 (1) prepare and submit a management plan to
2 the Secretary in accordance with section 295F;

3 (2) assist units of local government and other
4 persons in implementing the approved management
5 plan by—

6 (A) carrying out programs and projects
7 that recognize, protect, and enhance important
8 resource values within the Heritage Corridor;

9 (B) establishing and maintaining interpre-
10 tive exhibits and programs within the Heritage
11 Corridor;

12 (C) developing recreational and educational
13 opportunities in the Heritage Corridor;

14 (D) increasing public awareness of and ap-
15 preciation for the historical, cultural, natural,
16 and scenic resources of the Heritage Corridor;

17 (E) protecting and restoring historic sites
18 and buildings in the Heritage Corridor that are
19 consistent with Heritage Corridor themes;

20 (F) ensuring that clear, consistent, and ap-
21 propriate signs identifying points of public ac-
22 cess and sites of interest are posted throughout
23 the Heritage Corridor; and

24 (G) promoting a wide range of partner-
25 ships among governments, organizations, and

1 individuals to further the purposes of the Herit-
2 age Corridor;

3 (3) consider the interests of diverse units of
4 government, business, organizations, and individuals
5 in the Heritage Corridor in the preparation and im-
6 plementation of the management plan;

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

10 (5) submit an annual report to the Secretary
11 for any fiscal year in which the local coordinating
12 entity receives Federal funds under this subtitle, set-
13 ting forth its accomplishments, expenses, and in-
14 come, including grants made to any other entities
15 during the year for which the report is made;

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

1 (7) encourage by appropriate means economic
2 viability that is consistent with the purposes of the
3 Heritage Corridor.

4 (b) AUTHORITIES.—The local coordinating entity
5 may, for the purposes of preparing and implementing the
6 management plan, use funds made available under this
7 subtitle to—

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

13 (2) hire and compensate staff;

14 (3) obtain funds from any source including any
15 that are provided under any other Federal law or
16 program; and

17 (4) contract for goods and services.

18 **SEC. 295F. MANAGEMENT PLAN.**

19 (a) IN GENERAL.—The management plan for the
20 Heritage Corridor shall—

21 (1) include comprehensive policies, strategies,
22 and recommendations for conservation, funding,
23 management, and development of the Heritage Cor-
24 ridor;

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

4 (3) include a description of actions that govern-
5 ments, private organizations, and individuals have
6 agreed to take to protect the historical, cultural, and
7 natural resources of the Heritage Corridor;

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

11 (5) include an inventory of the historical, cul-
12 tural, natural, resources of the Heritage Corridor re-
13 lated to the themes of the Heritage Corridor that
14 should be preserved, restored, managed, developed,
15 or maintained;

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

23 (7) describe a program for implementation of
24 the management plan including plans for resources
25 protection, restoration, construction, and specific

1 commitments for implementation that have been
2 made by the local coordinating entity or any govern-
3 ment, organization, or individual for the first 5 years
4 of implementation;

5 (8) include an analysis and recommendations
6 for the ways in which Federal, State, or local pro-
7 grams may best be coordinated to further the pur-
8 poses of this subtitle; and

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

11 (b) SUBMITTAL OF MANAGEMENT PLAN.—The local
12 coordinating entity shall submit the management plan to
13 the Secretary for approval not later than 3 years after
14 funds are made available for this subtitle.

15 (c) FAILURE TO SUBMIT.—If the local coordinating
16 entity fails to submit the management plan to the Sec-
17 retary in accordance with subsection (b), the Heritage
18 Corridor shall not qualify for Federal funding until the
19 management plan is submitted.

20 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
21 PLAN.—

22 (1) IN GENERAL.—The Secretary shall approve
23 or disapprove the management plan not later than
24 90 days after receiving the management plan.

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

4 (A) the local coordinating entity has af-
5 forded adequate opportunity, including public
6 hearings, for public and governmental involve-
7 ment in the preparation of the management
8 plan;

9 (B) the resource preservation and interpre-
10 tation strategies contained in the management
11 plan would adequately protect the cultural and
12 historic resources of the Heritage Corridor; and

13 (C) the Secretary has received adequate
14 assurances from appropriate State and local of-
15 ficials whose support is needed to ensure the ef-
16 fective implementation of the State and local
17 aspects of the plan.

18 (3) ACTION FOLLOWING DISAPPROVAL.—If the
19 Secretary disapproves the management plan, the
20 Secretary shall advise the local coordinating entity in
21 writing of the reasons therefore and shall make rec-
22 ommendations for revisions to the management plan.
23 The Secretary shall approve or disapprove a pro-
24 posed revision not later than 60 days after the date
25 it is submitted.

1 (4) APPROVAL OF AMENDMENTS.—Substantial
 2 amendments to the management plan shall be re-
 3 viewed and approved by the Secretary in the same
 4 manner as provided in the original management
 5 plan. The local coordinating entity shall not use
 6 Federal funds authorized by this subtitle to imple-
 7 ment any amendments until the Secretary has ap-
 8 proved the amendments.

9 **SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.**

10 (a) IN GENERAL.—Upon a request of the local co-
 11 ordinating entity, the Secretary may provide technical and
 12 financial assistance for the development and implementa-
 13 tion of the management plan.

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

17 (1) conserving the significant cultural, histor-
 18 ical, and natural resources of the Heritage Corridor;
 19 and

20 (2) providing educational and interpretive op-
 21 portunities consistent with the purposes of the Her-
 22 itage Corridor.

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

1 (1) IN GENERAL.—The local coordinating entity
 2 may expend Federal funds made available under this
 3 subtitle on nonfederally owned property that is—

4 (A) identified in the management plan; or
 5 (B) listed or eligible for listing on the Na-
 6 tional Register for Historic Places.

7 (2) AGREEMENTS.—Any payment of Federal
 8 funds made pursuant to this subtitle shall be subject
 9 to an agreement that conversion, use, or disposal of
 10 a project so assisted for purposes contrary to the
 11 purposes of this subtitle, as determined by the Sec-
 12 retary, shall result in a right of the United States
 13 to compensation of all funds made available to that
 14 project or the proportion of the increased value of
 15 the project attributable to such funds as determined
 16 at the time of such conversion, use, or disposal,
 17 whichever is greater.

18 **SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.**

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

21 (1) consult with the Secretary and the local co-
 22 ordinating entity with respect to such activities;

23 (2) cooperate with the Secretary and the local
 24 coordinating entity in carrying out their duties
 25 under this subtitle and, to the maximum extent

1 practicable, coordinate such activities with the car-
 2 rying out of such duties; and

3 (3) to the maximum extent practicable, conduct
 4 or support such activities in a manner in which the
 5 local coordinating entity determines will not have an
 6 adverse effect on the Heritage Corridor.

7 **SEC. 295I. COASTAL HERITAGE CENTERS.**

8 In furtherance of the purposes of this subtitle and
 9 using the authorities made available under this subtitle,
 10 the local coordinating entity shall establish one or more
 11 Coastal Heritage Centers at appropriate locations within
 12 the Heritage Corridor in accordance with the preferred al-
 13 ternative identified in the Record of Decision for the Low
 14 Country Gullah Culture Special Resource Study and Envi-
 15 ronmental Impact Study, December 2003, and additional
 16 appropriate sites.

17 **SEC. 295J. PRIVATE PROPERTY PROTECTION.**

18 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
 19 this subtitle shall be construed to require any private prop-
 20 erty owner to permit public access (including Federal,
 21 State, or local government access) to such private prop-
 22 erty. Nothing in this subtitle shall be construed to modify
 23 any provision of Federal, State, or local law with regard
 24 to public access to or use of private lands.

1 (b) LIABILITY.—Designation of the Heritage Cor-
 2 ridor shall not be considered to create any liability, or to
 3 have any effect on any liability under any other law, of
 4 any private property owner with respect to any persons
 5 injured on such private property.

6 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
 7 USE.—Nothing in this subtitle shall be construed to mod-
 8 ify any authority of Federal, State, or local governments
 9 to regulate land use.

10 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
 11 IN HERITAGE CORRIDOR.—Nothing in this subtitle shall
 12 be construed to require the owner of any private property
 13 located within the boundaries of the Heritage Corridor to
 14 participate in or be associated with the Heritage Corridor.

15 (e) EFFECT OF ESTABLISHMENT.—The boundaries
 16 designated for the Heritage Corridor represent the area
 17 within which Federal funds appropriated for the purpose
 18 of this subtitle shall be expended. The establishment of
 19 the Heritage Corridor and its boundaries shall not be con-
 20 strued to provide any nonexistent regulatory authority on
 21 land use within the Heritage Corridor or its viewshed by
 22 the Secretary or the local coordinating entity.

23 (f) NOTIFICATION AND CONSENT OF PROPERTY
 24 OWNERS REQUIRED.—No privately owned property shall
 25 be preserved, conserved, or promoted by the management

1 plan for the Heritage Corridor until the owner of that pri-
2 vate property has been notified in writing by the local co-
3 ordinating entity and has given written consent for such
4 preservation, conservation, or promotion to the local co-
5 ordinating entity.

6 (g) LANDOWNER WITHDRAWAL.—Any owner of pri-
7 vate property included within the boundary of the Herit-
8 age Corridor shall have their property immediately re-
9 moved from within the boundary by submitting a written
10 request to the local coordinating entity.

11 **SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There is authorized to be appro-
13 priated for the purposes of this subtitle not more than
14 \$1,000,000 for any fiscal year. Not more than a total of
15 \$10,000,000 may be appropriated for the Heritage Cor-
16 ridor under this subtitle.

17 (b) COST SHARE.—Federal funding provided under
18 this subtitle may not exceed 50 percent of the total cost
19 of any activity for which assistance is provided under this
20 subtitle.

21 (c) IN-KIND CONTRIBUTIONS.—The Secretary may
22 accept in-kind contributions as part of the non-Federal
23 cost share of any activity for which assistance is provided
24 under this subtitle.

1 **SEC. 295L. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this subtitle terminates on the date that is 15 years
4 after the date of enactment of this Act.

5 **Subtitle J—Crossroads of the**
6 **American Revolution National**
7 **Heritage Area**

8 **SEC. 297. SHORT TITLE.**

9 This subtitle may be cited as the “Crossroads of the
10 American Revolution National Heritage Area Act of
11 2005”.

12 **SEC. 297A. FINDINGS AND PURPOSES.**

13 (a) FINDINGS.—Congress finds that—

14 (1) the State of New Jersey was critically im-
15 portant during the American Revolution because of
16 the strategic location of the State between the Brit-
17 ish armies headquartered in New York City, New
18 York, and the Continental Congress in the city of
19 Philadelphia, Pennsylvania;

20 (2) General George Washington spent almost
21 half of the period of the American Revolution per-
22 sonally commanding troops of the Continental Army
23 in the State of New Jersey, including 2 severe win-
24 ters spent in encampments in the area that is now
25 Morristown National Historical Park, a unit of the
26 National Park System;

1 (3) it was during the 10 crucial days of the
2 American Revolution between December 25, 1776,
3 and January 3, 1777, that General Washington,
4 after retreating across the State of New Jersey from
5 the State of New York to the Commonwealth of
6 Pennsylvania in the face of total defeat, recrossed
7 the Delaware River on the night of December 25,
8 1776, and went on to win crucial battles at Trenton
9 and Princeton in the State of New Jersey;

10 (4) Thomas Paine, who accompanied the troops
11 during the retreat, described the events during those
12 days as “the times that try men’s souls”;

13 (5) the sites of 296 military engagements are
14 located in the State of New Jersey, including—

15 (A) several important battles of the Amer-
16 ican Revolution that were significant to—

17 (i) the outcome of the American Revo-
18 lution; and

19 (ii) the history of the United States;
20 and

21 (B) several national historic landmarks, in-
22 cluding Washington’s Crossing, the Old Tren-
23 ton Barracks, and Princeton, Monmouth, and
24 Red Bank Battlefields;

1 (6) additional national historic landmarks in
2 the State of New Jersey include the homes of—

3 (A) Richard Stockton, Joseph Hewes, John
4 Witherspoon, and Francis Hopkinson, signers
5 of the Declaration of Independence;

6 (B) Elias Boudinout, President of the Con-
7 tinental Congress; and

8 (C) William Livingston, patriot and Gov-
9 ernor of the State of New Jersey from 1776 to
10 1790;

11 (7) portions of the landscapes important to the
12 strategies of the British and Continental armies, in-
13 cluding waterways, mountains, farms, wetlands, vil-
14 lages, and roadways—

15 (A) retain the integrity of the period of the
16 American Revolution; and

17 (B) offer outstanding opportunities for
18 conservation, education, and recreation;

19 (8) the National Register of Historic Places
20 lists 251 buildings and sites in the National Park
21 Service study area for the Crossroads of the Amer-
22 ican Revolution that are associated with the period
23 of the American Revolution;

1 (9) civilian populations residing in the State of
2 New Jersey during the American Revolution suffered
3 extreme hardships because of—

4 (A) the continuous conflict in the State;

5 (B) foraging armies; and

6 (C) marauding contingents of loyalist To-
7 ries and rebel sympathizers;

8 (10) because of the important role that the
9 State of New Jersey played in the successful out-
10 come of the American Revolution, there is a Federal
11 interest in developing a regional framework to assist
12 the State of New Jersey, local governments and or-
13 ganizations, and private citizens in—

14 (A) preserving and protecting cultural, his-
15 toric, and natural resources of the period; and

16 (B) bringing recognition to those resources
17 for the educational and recreational benefit of
18 the present and future generations of citizens of
19 the United States; and

20 (11) the National Park Service has conducted a
21 national heritage area feasibility study in the State
22 of New Jersey that demonstrates that there is a suf-
23 ficient assemblage of nationally distinctive cultural,
24 historic, and natural resources necessary to establish

1 the Crossroads of the American Revolution National
2 Heritage Area.

3 (b) PURPOSES.—The purposes of this subtitle are—

4 (1) to assist communities, organizations, and
5 citizens in the State of New Jersey in preserving—

6 (A) the special historic identity of the
7 State; and

8 (B) the importance of the State to the
9 United States;

10 (2) to foster a close working relationship among
11 all levels of government, the private sector, and local
12 communities in the State;

13 (3) to provide for the management, preserva-
14 tion, protection, and interpretation of the cultural,
15 historic, and natural resources of the State for the
16 educational and inspirational benefit of future gen-
17 erations;

18 (4) to strengthen the value of Morristown Na-
19 tional Historical Park as an asset to the State by—

20 (A) establishing a network of related his-
21 toric resources, protected landscapes, edu-
22 cational opportunities, and events depicting the
23 landscape of the State of New Jersey during
24 the American Revolution; and

1 (B) establishing partnerships between Mor-
 2 ristown National Historical Park and other
 3 public and privately owned resources in the
 4 Heritage Area that represent the strategic ful-
 5 crum of the American Revolution; and

6 (5) to authorize Federal financial and technical
 7 assistance for the purposes described in paragraphs
 8 (1) through (4).

9 **SEC. 297B. DEFINITIONS.**

10 In this subtitle:

11 (1) HERITAGE AREA.—The term “Heritage
 12 Area” means the Crossroads of the American Revo-
 13 lution National Heritage Area established by section
 14 297C(a).

15 (2) LOCAL COORDINATING ENTITY.—The term
 16 “local coordinating entity” means the local coordi-
 17 nating entity for the Heritage Area designated by
 18 section 297C(d).

19 (3) MANAGEMENT PLAN.—The term “manage-
 20 ment plan” means the management plan for the
 21 Heritage Area developed under section 297D.

22 (4) MAP.—The term “map” means the map en-
 23 titled “Crossroads of the American Revolution Na-
 24 tional Heritage Area”, numbered CRRE/80,000, and
 25 dated April 2002.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (6) STATE.—The term “State” means the State
4 of New Jersey.

5 **SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION**
6 **NATIONAL HERITAGE AREA.**

7 (a) ESTABLISHMENT.—There is established in the
8 State the Crossroads of the American Revolution National
9 Heritage Area.

10 (b) BOUNDARIES.—The Heritage Area shall consist
11 of the land and water within the boundaries of the Herit-
12 age Area, as depicted on the map.

13 (c) AVAILABILITY OF MAP.—The map shall be on file
14 and available for public inspection in the appropriate of-
15 fices of the National Park Service.

16 (d) LOCAL COORDINATING ENTITY.—The Crossroads
17 of the American Revolution Association, Inc., a nonprofit
18 corporation in the State, shall be the local coordinating
19 entity for the Heritage Area.

20 **SEC. 297D. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the
22 date on which funds are made available to carry out this
23 subtitle, the local coordinating entity shall develop and for-
24 ward to the Secretary a management plan for the Heritage
25 Area.

1 (b) REQUIREMENTS.—The management plan shall—

2 (1) include comprehensive policies, strategies,
3 and recommendations for conservation, funding,
4 management, and development of the Heritage Area;

5 (2) take into consideration existing State, coun-
6 ty, and local plans;

7 (3) describe actions that units of local govern-
8 ment, private organizations, and individuals have
9 agreed to take to protect the cultural, historic, and
10 natural resources of the Heritage Area;

11 (4) identify existing and potential sources of
12 funding for the protection, management, and devel-
13 opment of the Heritage Area during the first 5 years
14 of implementation of the management plan; and

15 (5) include—

16 (A) an inventory of the cultural, edu-
17 cational, historic, natural, recreational, and sce-
18 nic resources of the Heritage Area relating to
19 the themes of the Heritage Area that should be
20 restored, managed, or developed;

21 (B) recommendations of policies and strat-
22 egies for resource management that result in—

23 (i) application of appropriate land and
24 water management techniques; and

1 (ii) development of intergovernmental
2 and interagency cooperative agreements to
3 protect the cultural, educational, historic,
4 natural, recreational, and scenic resources
5 of the Heritage Area;

6 (C) a program of implementation of the
7 management plan that includes for the first 5
8 years of implementation—

9 (i) plans for resource protection, res-
10 toration, construction; and

11 (ii) specific commitments for imple-
12 mentation that have been made by the
13 local coordinating entity or any govern-
14 ment, organization, or individual;

15 (D) an analysis of and recommendations
16 for ways in which Federal, State, and local pro-
17 grams, including programs of the National
18 Park Service, may be best coordinated to pro-
19 mote the purposes of this subtitle; and

20 (E) an interpretive plan for the Heritage
21 Area.

22 (c) APPROVAL OR DISAPPROVAL OF MANAGEMENT
23 PLAN.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of receipt of the management plan under

1 subsection (a), the Secretary shall approve or dis-
2 approve the management plan.

3 (2) CRITERIA.—In determining whether to ap-
4 prove the management plan, the Secretary shall con-
5 sider whether—

6 (A) the Board of Directors of the local co-
7 ordinating entity is representative of the diverse
8 interests of the Heritage Area, including—

9 (i) governments;

10 (ii) natural and historic resource pro-
11 tection organizations;

12 (iii) educational institutions;

13 (iv) businesses; and

14 (v) recreational organizations;

15 (B) the local coordinating entity provided
16 adequate opportunity for public and govern-
17 mental involvement in the preparation of the
18 management plan, including public hearings;

19 (C) the resource protection and interpreta-
20 tion strategies in the management plan would
21 adequately protect the cultural, historic, and
22 natural resources of the Heritage Area; and

23 (D) the Secretary has received adequate
24 assurances from the appropriate State and local
25 officials whose support is needed to ensure the

1 effective implementation of the State and local
2 aspects of the management plan.

3 (3) ACTION FOLLOWING DISAPPROVAL.—If the
4 Secretary disapproves the management plan under
5 paragraph (1), the Secretary shall—

6 (A) advise the local coordinating entity in
7 writing of the reasons for the disapproval;

8 (B) make recommendations for revisions to
9 the management plan; and

10 (C) not later than 60 days after the receipt
11 of any proposed revision of the management
12 plan from the local coordinating entity, approve
13 or disapprove the proposed revision.

14 (d) AMENDMENTS.—

15 (1) IN GENERAL.—The Secretary shall approve
16 or disapprove each amendment to the management
17 plan that the Secretary determines may make a sub-
18 stantial change to the management plan.

19 (2) USE OF FUNDS.—Funds made available
20 under this subtitle shall not be expended by the local
21 coordinating entity to implement an amendment de-
22 scribed in paragraph (1) until the Secretary ap-
23 proves the amendment.

24 (e) IMPLEMENTATION.—On completion of the 3-year
25 period described in subsection (a), any funding made

1 available under this subtitle shall be made available to the
2 local coordinating entity only for implementation of the
3 approved management plan.

4 **SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS AP-**
5 **PLICABLE TO THE LOCAL COORDINATING EN-**
6 **TITY.**

7 (a) **AUTHORITIES.**—For purposes of preparing and
8 implementing the management plan, the local coordinating
9 entity may use funds made available under this subtitle
10 to—

11 (1) make grants to, provide technical assistance
12 to, and enter into cooperative agreements with, the
13 State (including a political subdivision), a nonprofit
14 organization, or any other person;

15 (2) hire and compensate staff, including individ-
16 uals with expertise in—

17 (A) cultural, historic, or natural resource
18 protection; or

19 (B) heritage programming;

20 (3) obtain funds or services from any source
21 (including a Federal law or program);

22 (4) contract for goods or services; and

23 (5) support any other activity—

24 (A) that furthers the purposes of the Her-
25 itage Area; and

1 (B) that is consistent with the manage-
2 ment plan.

3 (b) DUTIES.—In addition to developing the manage-
4 ment plan, the local coordinating entity shall—

5 (1) assist units of local government, regional
6 planning organizations, and nonprofit organizations
7 in implementing the approved management plan
8 by—

9 (A) carrying out programs and projects
10 that recognize, protect, and enhance important
11 resource values in the Heritage Area;

12 (B) establishing and maintaining interpre-
13 tive exhibits and programs in the Heritage
14 Area;

15 (C) developing recreational and educational
16 opportunities in the Heritage Area;

17 (D) increasing public awareness of and ap-
18 preciation for cultural, historic, and natural re-
19 sources of the Heritage Area;

20 (E) protecting and restoring historic sites
21 and buildings that are—

22 (i) located in the Heritage Area; and

23 (ii) related to the themes of the Herit-
24 age Area;

1 (F) ensuring that clear, consistent, and ap-
2 propriate signs identifying points of public ac-
3 cess and sites of interest are installed through-
4 out the Heritage Area; and

5 (G) promoting a wide range of partner-
6 ships among governments, organizations, and
7 individuals to further the purposes of the Herit-
8 age Area;

9 (2) in preparing and implementing the manage-
10 ment plan, consider the interests of diverse units of
11 government, businesses, organizations, and individ-
12 uals in the Heritage Area;

13 (3) conduct public meetings at least semiannu-
14 ally regarding the development and implementation
15 of the management plan;

16 (4) for any fiscal year for which Federal funds
17 are received under this subtitle—

18 (A) submit to the Secretary a report that
19 describes for the year—

20 (i) the accomplishments of the local
21 coordinating entity;

22 (ii) the expenses and income of the
23 local coordinating entity; and

24 (iii) each entity to which a grant was
25 made;

1 (B) make available for audit all informa-
2 tion relating to the expenditure of the funds
3 and any matching funds; and

4 (C) require, for all agreements authorizing
5 expenditures of Federal funds by any entity,
6 that the receiving entity make available for
7 audit all records and other information relating
8 to the expenditure of the funds;

9 (5) encourage, by appropriate means, economic
10 viability that is consistent with the purposes of the
11 Heritage Area; and

12 (6) maintain headquarters for the local coordi-
13 nating entity at Morristown National Historical
14 Park and in Mercer County.

15 (c) PROHIBITION ON THE ACQUISITION OF REAL
16 PROPERTY.—

17 (1) FEDERAL FUNDS.—The local coordinating
18 entity shall not use Federal funds made available
19 under this subtitle to acquire real property or any
20 interest in real property.

21 (2) OTHER FUNDS.—Notwithstanding para-
22 graph (1), the local coordinating entity may acquire
23 real property or an interest in real property using
24 any other source of funding, including other Federal
25 funding.

1 **SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE;**
2 **OTHER FEDERAL AGENCIES.**

3 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

4 (1) IN GENERAL.—On the request of the local
5 coordinating entity, the Secretary may provide tech-
6 nical and financial assistance to the Heritage Area
7 for the development and implementation of the man-
8 agement plan.

9 (2) PRIORITY FOR ASSISTANCE.—In providing
10 assistance under paragraph (1), the Secretary shall
11 give priority to actions that assist in—

12 (A) conserving the significant cultural, his-
13 toric, natural, and scenic resources of the Her-
14 itage Area; and

15 (B) providing educational, interpretive, and
16 recreational opportunities consistent with the
17 purposes of the Heritage Area.

18 (3) OPERATIONAL ASSISTANCE.—Subject to the
19 availability of appropriations, the Superintendent of
20 Morristown National Historical Park may, on re-
21 quest, provide to public and private organizations in
22 the Heritage Area, including the local coordinating
23 entity, any operational assistance that is appropriate
24 for the purpose of supporting the implementation of
25 the management plan.

1 (4) PRESERVATION OF HISTORIC PROP-
 2 ERTIES.—To carry out the purposes of this subtitle,
 3 the Secretary may provide assistance to a State or
 4 local government or nonprofit organization to pro-
 5 vide for the appropriate treatment of—

6 (A) historic objects; or

7 (B) structures that are listed or eligible for
 8 listing on the National Register of Historic
 9 Places.

10 (5) COOPERATIVE AGREEMENTS.—The Sec-
 11 retary may enter into cooperative agreements with
 12 the local coordinating entity and other public or pri-
 13 vate entities to carry out this subsection.

14 (b) OTHER FEDERAL AGENCIES.—Any Federal
 15 agency conducting or supporting an activity that directly
 16 affects the Heritage Area shall—

17 (1) consult with the Secretary and the local co-
 18 ordinating entity regarding the activity;

19 (2)(A) cooperate with the Secretary and the
 20 local coordinating entity in carrying out the of the
 21 Federal agency under this subtitle; and

22 (B) to the maximum extent practicable, coordi-
 23 nate the activity with the carrying out of those du-
 24 ties; and

1 (3) to the maximum extent practicable, conduct
 2 the activity to avoid adverse effects on the Heritage
 3 Area.

4 **SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There is authorized to be appro-
 6 priated to carry out this subtitle \$10,000,000, of which
 7 not more than \$1,000,000 may be authorized to be appro-
 8 priated for any fiscal year.

9 (b) COST-SHARING REQUIREMENT.—The Federal
 10 share of the cost of any activity assisted under this subtitle
 11 shall be not more than 50 percent.

12 **SEC. 297H. TERMINATION OF AUTHORITY.**

13 The authority of the Secretary to provide assistance
 14 under this subtitle terminates on the date that is 15 years
 15 after the date of enactment of this Act.

16 **TITLE III—NATIONAL HERITAGE**
 17 **AREA STUDIES**

18 **Subtitle A—Western Reserve**
 19 **Heritage Area Study**

20 **SEC. 301. SHORT TITLE.**

21 This subtitle may be cited as the “Western Reserve
 22 Heritage Areas Study Act”.

23 **SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING**
 24 **THE WESTERN RESERVE, OHIO.**

25 (a) FINDINGS.—The Congress finds the following:

1 (1) The area that encompasses the modern-day
2 counties of Trumbull, Mahoning, Ashtabula, Por-
3 tage, Geagua, Lake, Cuyahoga, Summit, Medina,
4 Huron, Lorain, Erie, Ottawa, and Ashland in Ohio
5 with the rich history in what was once the Western
6 Reserve, has made a unique contribution to the cul-
7 tural, political, and industrial development of the
8 United States.

9 (2) The Western Reserve is distinctive as the
10 land settled by the people of Connecticut after the
11 Revolutionary War. The Western Reserve holds a
12 unique mark as the original wilderness land of the
13 West that many settlers migrated to in order to
14 begin life outside of the original 13 colonies.

15 (3) The Western Reserve played a significant
16 role in providing land to the people of Connecticut
17 whose property and land was destroyed during the
18 Revolution. These settlers were descendants of the
19 brave immigrants who came to the Americas in the
20 17th century.

21 (4) The Western Reserve offered a new destina-
22 tion for those who moved west in search of land and
23 prosperity. The agricultural and industrial base that
24 began in the Western Reserve still lives strong in
25 these prosperous and historical counties.

1 (5) The heritage of the Western Reserve re-
2 mains transfixed in the counties of Trumbull,
3 Mahoning, Ashtabula, Portage, Geagua, Lake, Cuya-
4 hoga, Summit, Medina, Huron, Lorain, Erie, Ot-
5 tawa, and Ashland in Ohio. The people of these
6 counties are proud of their heritage as shown
7 through the unwavering attempts to preserve agri-
8 cultural land and the industrial foundation that has
9 been embedded in this region since the establishment
10 of the Western Reserve. Throughout these counties,
11 historical sites, and markers preserve the unique tra-
12 ditions and customs of its original heritage.

13 (6) The counties that encompass the Western
14 Reserve continue to maintain a strong connection to
15 its historic past as seen through its preservation of
16 its local heritage, including historic homes, buildings,
17 and centers of public gatherings.

18 (7) There is a need for assistance for the pres-
19 ervation and promotion of the significance of the
20 Western Reserve as the natural, historic and cul-
21 tural heritage of the counties of Trumbull,
22 Mahoning, Ashtabula, Portage, Geagua, Lake, Cuya-
23 hoga, Summit, Medina, Huron, Lorain, Erie, Ottawa
24 and Ashland in Ohio.

1 (8) The Department of the Interior is respon-
2 sible for protecting the Nation's cultural and histor-
3 ical resources. There are significant examples of
4 such resources within these counties and what was
5 once the Western Reserve to merit the involvement
6 of the Federal Government in the development of
7 programs and projects, in cooperation with the State
8 of Ohio and other local governmental entities, to
9 adequately conserve, protect, and interpret this her-
10 itage for future generations, while providing oppor-
11 tunities for education and revitalization.

12 (b) STUDY.—

13 (1) IN GENERAL.—The Secretary, acting
14 through the National Park Service Rivers, Trails,
15 and Conservation Assistance Program, Midwest Re-
16 gion, and in consultation with the State of Ohio, the
17 counties of Trumbull, Mahoning, Ashtabula, Por-
18 tage, Geagua, Lake, Cuyahoga, Summit, Medina,
19 Huron, Lorain, Erie, Ottawa, and Ashland, and
20 other appropriate organizations, shall carry out a
21 study regarding the suitability and feasibility of es-
22 tablishing the Western Reserve Heritage Area in
23 these counties in Ohio.

1 (2) CONTENTS.—The study shall include anal-
2 ysis and documentation regarding whether the Study
3 Area—

4 (A) has an assemblage of natural, historic,
5 and cultural resources that together represent
6 distinctive aspects of American heritage worthy
7 of recognition, conservation, interpretation, and
8 continuing use, and are best managed through
9 partnerships among public and private entities
10 and by combining diverse and sometimes non-
11 contiguous resources and active communities;

12 (B) reflects traditions, customs, beliefs,
13 and folklife that are a valuable part of the na-
14 tional story;

15 (C) provides outstanding opportunities to
16 conserve natural, historic, cultural, or scenic
17 features;

18 (D) provides outstanding recreational and
19 educational opportunities;

20 (E) contains resources important to the
21 identified theme or themes of the Study Area
22 that retain a degree of integrity capable of sup-
23 porting interpretation;

24 (F) includes residents, business interests,
25 nonprofit organizations, and local and State

1 governments that are involved in the planning,
 2 have developed a conceptual financial plan that
 3 outlines the roles for all participants, including
 4 the Federal Government, and have dem-
 5 onstrated support for the concept of a national
 6 heritage area;

7 (G) has a potential local coordinating enti-
 8 ty to work in partnership with residents, busi-
 9 ness interests, nonprofit organizations, and
 10 local and State governments to develop a na-
 11 tional heritage area consistent with continued
 12 local and State economic activity;

13 (H) has a conceptual boundary map that is
 14 supported by the public; and

15 (I) has potential or actual impact on pri-
 16 vate property located within or abutting the
 17 Study Area.

18 (c) BOUNDARIES OF THE STUDY AREA.—The Study
 19 Area shall be comprised of the counties of Trumbull,
 20 Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga,
 21 Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ash-
 22 land in Ohio.

1 **Subtitle B—St. Croix National**
2 **Heritage Area Study**

3 **SEC. 311. SHORT TITLE.**

4 This subtitle may be cited as the “St. Croix National
5 Heritage Area Study Act”.

6 **SEC. 312. STUDY.**

7 (a) IN GENERAL.—The Secretary of the Interior, in
8 consultation with appropriate State historic preservation
9 officers, States historical societies, and other appropriate
10 organizations, shall conduct a study regarding the suit-
11 ability and feasibility of designating the island of St. Croix
12 as the St. Croix National Heritage Area. The study shall
13 include analysis, documentation, and determination re-
14 garding whether the island of St. Croix—

15 (1) has an assemblage of natural, historic, and
16 cultural resources that together represent distinctive
17 aspects of American heritage worthy of recognition,
18 conservation, interpretation, and continuing use, and
19 are best managed through partnerships among pub-
20 lic and private entities and by combining diverse and
21 sometimes noncontiguous resources and active com-
22 munities;

23 (2) reflects traditions, customs, beliefs, and
24 folklife that are a valuable part of the national story;

1 (3) provides outstanding opportunities to con-
2 serve natural, historic, cultural, or scenic features;

3 (4) provides outstanding recreational and edu-
4 cational opportunities;

5 (5) contains resources important to the identi-
6 fied theme or themes of the island of St. Croix that
7 retain a degree of integrity capable of supporting in-
8 terpretation;

9 (6) includes residents, business interests, non-
10 profit organizations, and local and State govern-
11 ments that are involved in the planning, have devel-
12 oped a conceptual financial plan that outlines the
13 roles of all participants (including the Federal Gov-
14 ernment), and have demonstrated support for the
15 concept of a national heritage area;

16 (7) has a potential local coordinating entity to
17 work in partnership with residents, business inter-
18 ests, nonprofit organizations, and local and State
19 governments to develop a national heritage area con-
20 sistent with continued local and State economic ac-
21 tivity; and

22 (8) has a conceptual boundary map that is sup-
23 ported by the public.

24 (b) REPORT.—Not later than 3 fiscal years after the
25 date on which funds are first made available for this sec-

tion, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

Subtitle C—Southern Campaign of the Revolution

SEC. 321. SHORT TITLE.

This subtitle may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of

1 the Revolution Heritage Area. The study shall include
2 analysis, documentation, and determination regarding
3 whether the study area—

4 (1) has an assemblage of natural, historic, and
5 cultural resources that together represent distinctive
6 aspects of American heritage worthy of recognition,
7 conservation, interpretation, and continuing use, and
8 are best managed through partnerships among pub-
9 lic and private entities and by combining diverse and
10 sometimes noncontiguous resources and active com-
11 munities;

12 (2) reflects traditions, customs, beliefs, and
13 folklife that are a valuable part of the national story;

14 (3) provides outstanding opportunities to con-
15 serve natural, historic, cultural, or scenic features;

16 (4) provides outstanding recreational and edu-
17 cational opportunities;

18 (5) contains resources important to the identi-
19 fied theme or themes of the study area that retain
20 a degree of integrity capable of supporting interpre-
21 tation;

22 (6) includes residents, business interests, non-
23 profit organizations, and local and State govern-
24 ments that are involved in the planning, have devel-
25 oped a conceptual financial plan that outlines the

1 roles of all participants (including the Federal Gov-
 2 ernment), and have demonstrated support for the
 3 concept of a national heritage area;

4 (7) has a potential local coordinating entity to
 5 work in partnership with residents, business inter-
 6 ests, nonprofit organizations, and local and State
 7 governments to develop a national heritage area con-
 8 sistent with continued local and State economic ac-
 9 tivity; and

10 (8) has a conceptual boundary map that is sup-
 11 ported by the public.

12 (b) STUDY AREA.—

13 (1) IN GENERAL.—

14 (A) SOUTH CAROLINA.—The study area
 15 shall include the following counties in South
 16 Carolina: Anderson, Pickens, Greenville County,
 17 Spartanburg, Cherokee County, Greenwood,
 18 Laurens, Union, York, Chester, Darlington,
 19 Florence, Chesterfield, Marlboro, Fairfield,
 20 Richland, Lancaster, Kershaw, Sumter,
 21 Orangeburg, Georgetown, Dorchester, Colleton,
 22 Charleston, Beaufort, Calhoun, Clarendon, and
 23 Williamsburg.

1 (B) NORTH CAROLINA.—The study area
 2 may include sites and locations in North Caro-
 3 lina as appropriate.

4 (2) SPECIFIC SITES.—The heritage area may
 5 include the following sites of interest:

6 (A) NATIONAL PARK SERVICE SITE.—
 7 Kings Mountain National Military Park,
 8 Cowpens National Battlefield, Fort Moultrie
 9 National Monument, Charles Pickney National
 10 Historic Site, and Ninety Six National Historic
 11 Site as well as the National Park Affiliate of
 12 Historic Camden Revolutionary War Site.

13 (B) STATE-MAINTAINED SITES.—Colonial
 14 Dorchester State Historic Site, Eutaw Springs
 15 Battle Site, Hampton Plantation State Historic
 16 Site, Landsford Canal State Historic Site, An-
 17 drew Jackson State Park, and Musgrove Mill
 18 State Park.

19 (C) COMMUNITIES.—Charleston, Beaufort,
 20 Georgetown, Kingstree, Cheraw, Camden,
 21 Winnsboro, Orangeburg, and Cayce.

22 (D) OTHER KEY SITES OPEN TO THE PUB-
 23 LIC.—Middleton Place, Goose Creek Church,
 24 Hopsewee Plantation, Walnut Grove Plantation,
 25 Fort Watson, and Historic Brattonsville.

1 (c) REPORT.—Not later than 3 fiscal years after the
 2 date on which funds are first made available to carry out
 3 this subtitle, the Secretary of the Interior shall submit to
 4 the Committee on Resources of the House of Representa-
 5 tives and the Committee on Energy and Natural Re-
 6 sources of the Senate a report on the findings, conclusions,
 7 and recommendations of the study.

8 **TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE**
 9 **CORRIDOR ACT AMENDMENTS**
 10 **MENTS**
 11

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Illinois and Michigan
 14 Canal National Heritage Corridor Act Amendments of
 15 2005”.

16 **SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL**
 17 **COORDINATING ENTITY.**

18 The Illinois and Michigan Canal National Heritage
 19 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461
 20 note) is amended as follows:

21 (1) In section 103—

22 (A) in paragraph (8), by striking “and”;

23 (B) in paragraph (9), by striking the pe-
 24 riod and inserting “; and”; and

25 (C) by adding at the end the following:

1 “(10) the term ‘Association’ means the Canal
 2 Corridor Association (an organization described
 3 under section 501(c)(3) of the Internal Revenue
 4 Code of 1986 and exempt from taxation under sec-
 5 tion 501(a) of such Code).”.

6 (2) By adding at the end of section 112 the fol-
 7 lowing new paragraph:

8 “(7) The Secretary shall enter into a memo-
 9 randum of understanding with the Association to
 10 help ensure appropriate transition of the local co-
 11 ordinating entity to the Association and coordination
 12 with the Association regarding that role.”.

13 (3) By adding at the end the following new sec-
 14 tions:

15 **“SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.**

16 “Upon the termination of the Commission, the local
 17 coordinating entity for the corridor shall be the Associa-
 18 tion.

19 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

20 “For purposes of preparing and implementing the
 21 management plan developed under section 121, the Asso-
 22 ciation may use Federal funds made available under this
 23 title—

1 “(1) to make grants to, and enter into coopera-
2 tive agreements with, States and their political sub-
3 divisions, private organizations, or any person;

4 “(2) to hire, train, and compensate staff; and

5 “(3) to enter into contracts for goods and serv-
6 ices.

7 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

8 “The Association shall—

9 “(1) develop and submit to the Secretary for
10 approval under section 123 a proposed management
11 plan for the corridor not later than 2 years after
12 Federal funds are made available for this purpose;

13 “(2) give priority to implementing actions set
14 forth in the management plan, including taking
15 steps to assist units of local government, regional
16 planning organizations, and other organizations—

17 “(A) in preserving the corridor;

18 “(B) in establishing and maintaining inter-
19 pretive exhibits in the corridor;

20 “(C) in developing recreational resources
21 in the corridor;

22 “(D) in increasing public awareness of and
23 appreciation for the natural, historical, and ar-
24 chitectural resources and sites in the corridor;
25 and

1 “(E) in facilitating the restoration of any
2 historic building relating to the themes of the
3 corridor;

4 “(3) encourage by appropriate means economic
5 viability in the corridor consistent with the goals of
6 the management plan;

7 “(4) consider the interests of diverse govern-
8 mental, business, and other groups within the cor-
9 ridor;

10 “(5) conduct public meetings at least quarterly
11 regarding the implementation of the management
12 plan;

13 “(6) submit substantial changes (including any
14 increase of more than 20 percent in the cost esti-
15 mates for implementation) to the management plan
16 to the Secretary; and

17 “(7) for any year in which Federal funds have
18 been received under this title—

19 “(A) submit an annual report to the Sec-
20 retary setting forth the Association’s accom-
21 plishments, expenses and income, and the iden-
22 tity of each entity to which grants were made
23 during the year for which the report is made;

1 “(B) make available for audit all records
2 pertaining to the expenditure of such funds and
3 any matching funds; and

4 “(C) require, for all agreements author-
5 izing expenditure of Federal funds by other or-
6 ganizations, that the receiving organizations
7 make available for audit all records pertaining
8 to the expenditure of such funds.

9 **“SEC. 122. USE OF FEDERAL FUNDS.**

10 “(a) IN GENERAL.—The Association shall not use
11 Federal funds received under this title to acquire real
12 property or an interest in real property.

13 “(b) OTHER SOURCES.—Nothing in this title pre-
14 cludes the Association from using Federal funds from
15 other sources for authorized purposes.

16 **“SEC. 123. MANAGEMENT PLAN.**

17 “(a) PREPARATION OF MANAGEMENT PLAN.—Not
18 later than 3 years after the date that Federal funds are
19 made available for this purpose, the Association shall sub-
20 mit to the Secretary for approval a proposed management
21 plan that shall—

22 “(1) take into consideration State and local
23 plans and involve residents, local governments and
24 public agencies, and private organizations in the cor-
25 ridor;

1 “(2) present comprehensive recommendations
2 for the corridor’s conservation, funding, manage-
3 ment, and development;

4 “(3) include actions proposed to be undertaken
5 by units of government and nongovernmental and
6 private organizations to protect the resources of the
7 corridor;

8 “(4) specify the existing and potential sources
9 of funding to protect, manage, and develop the cor-
10 ridor; and

11 “(5) include—

12 “(A) identification of the geographic
13 boundaries of the corridor;

14 “(B) a brief description and map of the
15 corridor’s overall concept or vision that show
16 key sites, visitor facilities and attractions, and
17 physical linkages;

18 “(C) identification of overall goals and the
19 strategies and tasks intended to reach them,
20 and a realistic schedule for completing the
21 tasks;

22 “(D) a listing of the key resources and
23 themes of the corridor;

24 “(E) identification of parties proposed to
25 be responsible for carrying out the tasks;

1 “(F) a financial plan and other informa-
2 tion on costs and sources of funds;

3 “(G) a description of the public participa-
4 tion process used in developing the plan and a
5 proposal for public participation in the imple-
6 mentation of the management plan;

7 “(H) a mechanism and schedule for updat-
8 ing the plan based on actual progress;

9 “(I) a bibliography of documents used to
10 develop the management plan; and

11 “(J) a discussion of any other relevant
12 issues relating to the management plan.

13 “(b) DISQUALIFICATION FROM FUNDING.—If a pro-
14 posed management plan is not submitted to the Secretary
15 within 3 years after the date that Federal funds are made
16 available for this purpose, the Association shall be ineli-
17 gible to receive additional funds under this title until the
18 Secretary receives a proposed management plan from the
19 Association.

20 “(c) APPROVAL OF MANAGEMENT PLAN.—The Sec-
21 retary shall approve or disapprove a proposed manage-
22 ment plan submitted under this title not later than 180
23 days after receiving such proposed management plan. If
24 action is not taken by the Secretary within the time period
25 specified in the preceding sentence, the management plan

1 shall be deemed approved. The Secretary shall consult
2 with the local entities representing the diverse interests
3 of the corridor including governments, natural and historic
4 resource protection organizations, educational institutions,
5 businesses, recreational organizations, community resi-
6 dents, and private property owners prior to approving the
7 management plan. The Association shall conduct semi-an-
8 nual public meetings, workshops, and hearings to provide
9 adequate opportunity for the public and local and govern-
10 mental entities to review and to aid in the preparation and
11 implementation of the management plan.

12 “(d) EFFECT OF APPROVAL.—Upon the approval of
13 the management plan as provided in subsection (c), the
14 management plan shall supersede the conceptual plan con-
15 tained in the National Park Service report.

16 “(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
17 retary disapproves a proposed management plan within
18 the time period specified in subsection (c), the Secretary
19 shall advise the Association in writing of the reasons for
20 the disapproval and shall make recommendations for revi-
21 sions to the proposed management plan.

22 “(f) APPROVAL OF AMENDMENTS.—The Secretary
23 shall review and approve all substantial amendments (in-
24 cluding any increase of more than 20 percent in the cost
25 estimates for implementation) to the management plan.

1 Funds made available under this title may not be ex-
 2 pended to implement any changes made by a substantial
 3 amendment until the Secretary approves that substantial
 4 amendment.

5 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE;**
 6 **OTHER FEDERAL AGENCIES.**

7 “(a) TECHNICAL AND FINANCIAL ASSISTANCE.—
 8 Upon the request of the Association, the Secretary may
 9 provide technical assistance, on a reimbursable or non-
 10 reimbursable basis, and financial assistance to the Asso-
 11 ciation to develop and implement the management plan.
 12 The Secretary is authorized to enter into cooperative
 13 agreements with the Association and other public or pri-
 14 vate entities for this purpose. In assisting the Association,
 15 the Secretary shall give priority to actions that in general
 16 assist in—

17 “(1) conserving the significant natural, historic,
 18 cultural, and scenic resources of the corridor; and

19 “(2) providing educational, interpretive, and
 20 recreational opportunities consistent with the pur-
 21 poses of the corridor.

22 “(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
 23 Federal agency conducting or supporting activities directly
 24 affecting the corridor shall—

1 “(1) consult with the Secretary and the Asso-
2 ciation with respect to such activities;

3 “(2) cooperate with the Secretary and the Asso-
4 ciation in carrying out their duties under this title;

5 “(3) to the maximum extent practicable, coordi-
6 nate such activities with the carrying out of such du-
7 ties; and

8 “(4) to the maximum extent practicable, con-
9 duct or support such activities in a manner which
10 the Association determines is not likely to have an
11 adverse effect on the corridor.

12 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—To carry out this title there is
14 authorized to be appropriated \$10,000,000, except that
15 not more than \$1,000,000 may be appropriated to carry
16 out this title for any fiscal year.

17 “(b) 50 PERCENT MATCH.—The Federal share of the
18 cost of activities carried out using any assistance or grant
19 under this title shall not exceed 50 percent of that cost.

20 **“SEC. 126. SUNSET.**

21 “The authority of the Secretary to provide assistance
22 under this title terminates on the date that is 15 years
23 after the date of enactment of this section.”.

1 **SEC. 403. PRIVATE PROPERTY PROTECTION.**

2 The Illinois and Michigan Canal National Heritage
3 Corridor Act of 1984 is further amended by adding after
4 section 126 (as added by section 402) the following new
5 sections:

6 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**
7 **PROPERTY.**

8 “(a) NOTIFICATION AND CONSENT OF PROPERTY
9 OWNERS REQUIRED.—No privately owned property shall
10 be preserved, conserved, or promoted by the management
11 plan for the corridor until the owner of that private prop-
12 erty has been notified in writing by the Association and
13 has given written consent for such preservation, conserva-
14 tion, or promotion to the Association.

15 “(b) LANDOWNER WITHDRAWAL.—Any owner of pri-
16 vate property included within the boundary of the corridor,
17 and not notified under subsection (a), shall have their
18 property immediately removed from the boundary of the
19 corridor by submitting a written request to the Associa-
20 tion.

21 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

22 “(a) ACCESS TO PRIVATE PROPERTY.—Nothing in
23 this title shall be construed to—

24 “(1) require any private property owner to
25 allow public access (including Federal, State, or local
26 government access) to such private property; or

1 “(2) modify any provision of Federal, State, or
2 local law with regard to public access to or use of
3 private property.

4 “(b) LIABILITY.—Designation of the corridor shall
5 not be considered to create any liability, or to have any
6 effect on any liability under any other law, of any private
7 property owner with respect to any persons injured on
8 such private property.

9 “(c) RECOGNITION OF AUTHORITY TO CONTROL
10 LAND USE.—Nothing in this title shall be construed to
11 modify the authority of Federal, State, or local govern-
12 ments to regulate land use.

13 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-
14 ERS IN CORRIDOR.—Nothing in this title shall be con-
15 strued to require the owner of any private property located
16 within the boundaries of the corridor to participate in or
17 be associated with the corridor.

18 “(e) EFFECT OF ESTABLISHMENT.—The boundaries
19 designated for the corridor represent the area within
20 which Federal funds appropriated for the purpose of this
21 title may be expended. The establishment of the corridor
22 and its boundaries shall not be construed to provide any
23 nonexisting regulatory authority on land use within the
24 corridor or its viewshed by the Secretary, the National
25 Park Service, or the Association.”.

1 **TITLE V—REAUTHORIZATION OF**
 2 **APPROPRIATIONS FOR NEW**
 3 **JERSEY COASTAL HERITAGE**
 4 **TRAIL ROUTE**

5 **SEC. 501. REAUTHORIZATION OF APPROPRIATIONS FOR**
 6 **NEW JERSEY COASTAL HERITAGE TRAIL**
 7 **ROUTE.**

8 (a) REAUTHORIZATION.—Public Law 100–515 (16
 9 U.S.C. 1244 note) is amended by striking section 6 and
 10 inserting the following:

11 **“SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) IN GENERAL.—There are authorized to be ap-
 13 propriated to the Secretary such sums as are necessary
 14 to carry out this Act.

15 “(b) USE OF FUNDS.—

16 “(1) IN GENERAL.—Amounts made available
 17 under subsection (a) shall be used only for—

18 “(A) technical assistance; and

19 “(B) the design and fabrication of inter-
 20 pretive materials, devices, and signs.

21 “(2) LIMITATIONS.—No funds made available
 22 under subsection (a) shall be used for—

23 “(A) operation, repair, or construction
 24 costs, except for the costs of constructing inter-
 25 pretive exhibits; or

1 “(B) operation, maintenance, or repair
2 costs for any road or related structure.

3 “(3) COST-SHARING REQUIREMENT.—

4 “(A) FEDERAL SHARE.—The Federal
5 share of any project carried out with amounts
6 made available under subsection (a)—

7 “(i) may not exceed 50 percent of the
8 total project costs; and

9 “(ii) shall be provided on a matching
10 basis.

11 “(B) FORM OF NON-FEDERAL SHARE.—

12 The non-Federal share of carrying out a project
13 with amounts made available under subsection
14 (a) may be in the form of cash, materials, or
15 in-kind services, the value of which shall be de-
16 termined by the Secretary.

17 “(c) TERMINATION OF AUTHORITY.—The authorities
18 provided to the Secretary under this Act shall terminate
19 on September 30, 2007.”.

20 “(b) STRATEGIC PLAN.—

21 “(1) IN GENERAL.—Not later than 3 years after
22 the date on which funds are made available, the Sec-
23 retary of the Interior shall prepare a strategic plan
24 for the New Jersey Coastal Heritage Trail Route.

Attest: EMILY J. REYNOLDS,
Secretary.