

111TH CONGRESS
1ST SESSION

S. 2892

To establish the Alabama Black Belt National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2009

Mr. SHELBY (for himself and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Alabama Black Belt National Heritage Area, 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 “Alabama Black Belt National Heritage Area Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Designation of Alabama Black Belt National Heritage Area.
- Sec. 6. Local coordinating entity.

- Sec. 7. Management plan.
- Sec. 8. Evaluation; report.
- Sec. 9. Relationship to other Federal agencies.
- Sec. 10. Private property and regulatory protections.
- Sec. 11. Authorization of appropriations.
- Sec. 12. Use of Federal funds from other sources.
- Sec. 13. Termination of financial assistance.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Black Belt area in the lower-central
 4 portion of Alabama is a region that sustains an
 5 abundance of natural resources, historical sites, cul-
 6 tural diversity, and recreational activities shaped by
 7 its fertile black soil.

8 (2) The Alabama Black Belt National Heritage
 9 Area feasibility study includes the 19 counties of
 10 Bibb, Bullock, Butler, Choctaw, Clarke, Conecuh,
 11 Dallas, Greene, Hale, Lowndes, Macon, Marengo,
 12 Monroe, Montgomery, Perry, Pickens, Sumter,
 13 Washington, and Wilcox in the State of Alabama.

14 (3) The geography of the Black Belt is com-
 15 prised of threatened prairies, forests, and rivers that
 16 contain incredibly diverse species of flora and fauna.

17 (4) The Black Belt region struggles with a de-
 18 clining population, a high unemployment rate, insuf-
 19 ficient schools and health care, and 8 of the 100
 20 poorest counties in the United States.

1 (5) The Black Belt region includes Moundville,
2 the second largest Native American ceremonial cen-
3 ter of the Mississippian period.

4 (6) The Black Belt region is characterized by
5 its distinctive geography and its exceptionally fertile
6 black soil, which influenced the construction of a
7 large network of cotton plantations and antebellum
8 architecture, which in turn led to the city of Mont-
9 gomery being established as the first capital of the
10 Confederacy.

11 (7) The Black Belt region was the center of the
12 American civil rights movement, including the his-
13 torical scenes of the Montgomery Bus Boycott and
14 the Selma to Montgomery March, which led to the
15 Civil Rights Act of 1964 and the Voting Rights Act
16 of 1965.

17 (8) The Black Belt region is home to Harper
18 Lee, who wrote the Pulitzer Prize winning novel “To
19 Kill a Mockingbird”.

20 (9) The Black Belt region is home to the Gee’s
21 Bend Quilters, whose artistic talents have been dis-
22 played in the Smithsonian Museum and featured on
23 United States postage stamps.

24 (10) The Black Belt is home to three units of
25 the National Park System: the Selma to Mont-

1 gomery National Historic Trail, the Tuskegee Air-
2 men National Historic Site, and the Tuskegee Insti-
3 tute National Historic Site.

4 (11) The Black Belt includes two National For-
5 ests maintained by the Forest Service: the Talladega
6 National Forest-Oakmulgee District and the
7 Tuskegee National Forest. The Bartram Trail, a
8 National Recreation Trail, runs through the
9 Tuskegee National Forest.

10 (12) The Black Belt includes two National
11 Wildlife Refuges maintained by the U.S. Fish and
12 Wildlife Service: the Cahaba National Wildlife Ref-
13 uge and the Choctaw National Wildlife Refuge.

14 (13) The Black Belt is home to two Army
15 Corps of Engineers projects: the Alabama River
16 Lakes and the Black Warrior and Tombigbee Lakes.
17 The Corps management offices are located in
18 Lowndes, Marengo, and Wilcox Counties within the
19 Black Belt. Many public recreation and natural re-
20 sources sites are managed by the Corps in these
21 river basins.

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are—

24 (1) to recognize the significant natural and cul-
25 tural legacies of the area, as described in the study

1 titled “Alabama Black Belt Heritage Area: Feasi-
2 bility Study for National Heritage Area Designa-
3 tion”, prepared for the National Park Service in
4 March, 2009;

5 (2) to promote heritage, cultural, and rec-
6 reational tourism and to develop educational and
7 cultural programs for visitors and the general public;

8 (3) to recognize and interpret important events
9 and geographic locations of Alabama’s Black Belt
10 region, including the Montgomery Bus Boycott and
11 the Selma to Montgomery March, and the region’s
12 exceptionally fertile soil, prairies, forests and rivers;

13 (4) to recognize and interpret the distinctive
14 role the region played in the history of the United
15 States, including the Civil War, with Montgomery
16 serving as the first capital of the Confederacy and
17 later as the center of the American Civil Rights
18 movement;

19 (5) to provide a cooperative management frame-
20 work to foster a close working relationship with all
21 levels of government, the private sector, and the
22 local communities in the region in identifying, pre-
23 serving, interpreting, and developing the natural,
24 historical, cultural, educational, scenic, and rec-
25 reational resources of the region for the educational

1 and inspirational benefit of current and future gen-
2 erations; and

3 (6) to provide appropriate linkages between
4 units of the National Park System and communities,
5 governments, and organizations within the National
6 Heritage Area.

7 **SEC. 4. DEFINITIONS.**

8 In this Act:

9 (1) NATIONAL HERITAGE AREA.—The term
10 “National Heritage Area” means the Alabama Black
11 Belt National Heritage Area established by this Act.

12 (2) LOCAL COORDINATING ENTITY.—The term
13 “local coordinating entity” means the Center for the
14 Study of the Black Belt at the University of West
15 Alabama.

16 (3) MANAGEMENT PLAN.—The term “manage-
17 ment plan” means the plan prepared by the local co-
18 ordinating entity for the National Heritage Area in
19 accordance with this Act.

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

1 **SEC. 5. DESIGNATION OF ALABAMA BLACK BELT NATIONAL**
 2 **HERITAGE AREA.**

3 (a) ESTABLISHMENT.—There is hereby established
 4 the Alabama Black Belt National Heritage Area in the
 5 State of Alabama.

6 (b) BOUNDARIES.—

7 (1) IN GENERAL.—The National Heritage Area
 8 shall consist of sites as designated by the manage-
 9 ment plan within a core area located in Alabama,
 10 consisting of Bibb, Bullock, Butler, Choctaw, Clarke,
 11 Conecuh, Dallas, Greene, Hale, Lowndes, Macon,
 12 Marengo, Monroe, Montgomery, Perry, Pickens,
 13 Sumter, Washington, and Wilcox counties.

14 (2) MAP.—The boundaries of the National Her-
 15 itage Area shall be as generally depicted on the map
 16 titled “_____”, and numbered
 17 _____, and dated _____. The map shall
 18 be on file and available to the public in the appro-
 19 priate offices of the National Park Service and the
 20 local coordinating entity.

21 **SEC. 6. LOCAL COORDINATING ENTITY.**

22 (a) DESIGNATION.—The Center for the Study of the
 23 Black Belt at the University of West Alabama shall be
 24 the local coordinating entity for the National Heritage
 25 Area.

1 (b) DUTIES.—To further the purposes of the Na-
2 tional Heritage Area, the local coordinating entity shall—

3 (1) submit a management plan to the Secretary
4 in accordance with this Act;

5 (2) submit an annual report to the Secretary
6 for each fiscal year for which the local coordinating
7 entity receives Federal funds under this Act, speci-
8 fying—

9 (A) the specific performance goals and ac-
10 complishments of the local coordinating entity;

11 (B) the expenses and income of the local
12 coordinating entity;

13 (C) the amounts and sources of matching
14 funds;

15 (D) the amounts of non-Federal funds le-
16 veraged with Federal funds and sources of the
17 leveraging; and

18 (E) grants made to any other entities dur-
19 ing the fiscal year;

20 (3) make available for audit, for each fiscal
21 year for which the local coordinating entity receives
22 Federal funds under this Act, all information per-
23 taining to the expenditure of the funds and any
24 matching funds; and

1 (4) encourage economic viability and sustain-
2 ability that is consistent with the purposes of the
3 National Heritage Area.

4 (c) AUTHORITIES.—For the purposes of preparing
5 and implementing the approved management plan, the
6 local coordinating entity may use Federal funds received
7 under this Act—

8 (1) to make grants to political jurisdictions,
9 nonprofit organizations, and other parties within the
10 National Heritage Area;

11 (2) to enter into cooperative agreements with or
12 provide technical assistance to political jurisdictions,
13 nonprofit organizations, Federal agencies, and other
14 interested parties;

15 (3) to hire and compensate staff, including indi-
16 viduals with expertise in—

17 (A) natural, historical, cultural, edu-
18 cational, scenic, and recreational resource con-
19 servation;

20 (B) economic and community development;
21 and

22 (C) heritage planning;

23 (4) to obtain funds or services from any source,
24 including other Federal programs;

25 (5) to contract for goods or services; and

1 (6) to support activities of partners and any
2 other activities that further the purposes of the Na-
3 tional Heritage Area and are consistent with the ap-
4 proved management plan.

5 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
6 ERTY.—The local coordinating entity may not use Federal
7 funds received under this Act to acquire any interest in
8 real property.

9 **SEC. 7. MANAGEMENT PLAN.**

10 (a) REQUIREMENTS.—The management plan shall—

11 (1) describe comprehensive policies, goals, strat-
12 egies, and recommendations for telling the story of
13 the heritage of the area covered by the National
14 Heritage Area and encouraging long-term resource
15 protection, enhancement, interpretation, funding,
16 management, and development of the National Her-
17 itage Area;

18 (2) include a description of actions and commit-
19 ments that Federal, State, and local governments,
20 private organizations, and citizens plan to take to
21 protect, enhance, interpret, fund, manage, and de-
22 velop the natural, historical, cultural, educational,
23 scenic, and recreational resources of the National
24 Heritage Area;

1 (3) specify existing and potential sources of
2 funding or economic development strategies to pro-
3 tect, enhance, interpret, fund, manage, and develop
4 the National Heritage Area;

5 (4) include an inventory of the natural, histor-
6 ical, cultural, educational, scenic, and recreational
7 resources of the National Heritage Area related to
8 the national importance and themes of the National
9 Heritage Area that should be protected, enhanced,
10 interpreted, funded, managed, and developed;

11 (5) include recommendations for resource man-
12 agement policies and strategies, including the devel-
13 opment of intergovernmental and interagency agree-
14 ments to protect, enhance, interpret, fund, manage,
15 and develop the natural, historical, cultural, edu-
16 cational, scenic, and recreational resources of the
17 National Heritage Area;

18 (6) describe a program for implementation of
19 the management plan, including—

20 (A) performance goals;

21 (B) plans for resource protection, enhance-
22 ment, interpretation, funding, management, and
23 development; and

24 (C) specific commitments for implementa-
25 tion that have been made by the local coordi-

1 nating entity or any Federal, State, or local
2 government agency, organization, business, or
3 individual;

4 (7) include an analysis of, and recommenda-
5 tions for, means by which Federal, State, and local
6 programs may best be coordinated (including the
7 role of the National Park Service and other Federal
8 agencies associated with the National Heritage
9 Area) to further the purposes of this Act; and

10 (8) include a business plan that—

11 (A) describes the role, operation, financing,
12 and functions of the local coordinating entity
13 and of each of the major activities described in
14 the management plan; and

15 (B) provides adequate assurances that the
16 local coordinating entity has the partnerships
17 and financial and other resources necessary to
18 implement the management plan.

19 (b) DEADLINE.—

20 (1) IN GENERAL.—Not later than 3 years after
21 the date on which funds are made available pursuant
22 to this Act to develop the management plan, the
23 local coordinating entity shall submit the manage-
24 ment plan to the Secretary for approval.

1 (2) TERMINATION OF FUNDING.—If the man-
2 agement plan is not submitted to the Secretary in
3 accordance with paragraph (1), the local coordi-
4 nating entity may not receive any additional finan-
5 cial assistance under this Act until such time as the
6 management plan is submitted to and approved by
7 the Secretary.

8 (c) APPROVAL OF MANAGEMENT PLAN.—

9 (1) REVIEW.—Not later than 180 days after re-
10 ceiving the management plan, the Secretary shall re-
11 view and approve or disapprove the management
12 plan on the basis of the criteria listed in paragraph
13 (3).

14 (2) CONSULTATION.—The Secretary shall con-
15 sult with the Governor of Alabama before approving
16 a management plan.

17 (3) CRITERIA FOR APPROVAL.—In determining
18 whether to approve a management plan, the Sec-
19 retary shall consider whether—

20 (A) the local coordinating entity—

21 (i) represents the diverse interests of
22 the National Heritage Area, including Fed-
23 eral, State, and local governments, natural,
24 and historical resource protection organiza-
25 tions, educational institutions, businesses,

1 recreational organizations, community resi-
2 dents, and private property owners;

3 (ii) has afforded adequate opportunity
4 for public and Federal, State, and local
5 governmental involvement (including
6 through workshops and public meetings) in
7 the preparation of the management plan;

8 (iii) provides for at least semiannual
9 public meetings to ensure adequate imple-
10 mentation of the management plan; and

11 (iv) has demonstrated the financial
12 capability, in partnership with others, to
13 carry out the management plan;

14 (B) the management plan—

15 (i) describes resource protection, en-
16 hancement, interpretation, funding, man-
17 agement, and development strategies
18 which, if implemented, would adequately
19 protect, enhance, interpret, fund, manage,
20 and develop the natural, historical, cul-
21 tural, educational, scenic, and recreational
22 resources of the National Heritage Area;

23 (ii) would not adversely affect any ac-
24 tivities authorized on Federal land under
25 public applicable laws or land use plans;

1 (iii) demonstrates partnerships among
2 the local coordinating entity, Federal,
3 State, and local governments, regional
4 planning organizations, nonprofit organiza-
5 tions, and private sector parties for imple-
6 mentation of the management plan; and

7 (iv) complies with the requirements of
8 this section; and

9 (C) the Secretary has received adequate
10 assurances from the appropriate State and local
11 officials whose support is needed that the State
12 and local aspects of the management plan will
13 be effectively implemented.

14 (4) DISAPPROVAL.—

15 (A) IN GENERAL.—If the Secretary dis-
16 approves the management plan, the Secretary—

17 (i) shall advise the local coordinating
18 entity in writing of the reasons for the dis-
19 approval; and

20 (ii) may make recommendations to the
21 local coordinating entity for revisions to
22 the management plan.

23 (B) DEADLINE.—Not later than 180 days
24 after receiving a revised management plan, the

1 Secretary shall approve or disapprove the re-
2 vised management plan.

3 (5) AMENDMENTS.—

4 (A) IN GENERAL.—An amendment to the
5 approved management plan that substantially
6 alters such plan shall be reviewed by the Sec-
7 retary and approved or disapproved in the same
8 manner as the original management plan.

9 (B) IMPLEMENTATION.—The local coordi-
10 nating entity shall not use Federal funds re-
11 ceived under this Act to implement a substan-
12 tial amendment to the management plan until
13 the Secretary approves the amendment.

14 (6) AUTHORITIES.—The Secretary may—

15 (A) provide technical assistance under the
16 authority of this Act for the development and
17 implementation of the management plan; and

18 (B) enter into cooperative agreements with
19 interested parties to carry out this Act.

20 **SEC. 8. EVALUATION; REPORT.**

21 (a) EVALUATION.—The Secretary shall conduct an
22 evaluation of the accomplishments of the National Herit-
23 age Area. An evaluation conducted under this subsection
24 shall—

1 (1) assess the progress of the local coordinating
2 entity with respect to—

3 (A) accomplishing the purposes of this Act
4 for the National Heritage Area; and

5 (B) achieving the goals and objectives of
6 the approved management plan;

7 (2) analyze the Federal, State, and local gov-
8 ernment, and private investments in the National
9 Heritage Area to determine the impact of the invest-
10 ments; and

11 (3) review the management structure, partner-
12 ship relationships, and funding of the National Her-
13 itage Area for purposes of identifying the critical
14 components for sustainability of the National Herit-
15 age Area.

16 (b) REPORT.—Not later than 3 years before the date
17 on which authority for Federal funding terminates for the
18 National Heritage Area under this Act, based on the eval-
19 uation conducted under subsection (a), the Secretary shall
20 submit a report to the Committee on Natural Resources
21 of the House of Representatives and the Committee on
22 Energy and Natural Resources of the Senate. The report
23 shall include recommendations for the future role of the
24 National Park Service, if any, with respect to the National
25 Heritage Area.

1 **SEC. 9. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

2 (a) IN GENERAL.—Nothing in this Act affects the au-
3 thority of a Federal agency to provide technical or finan-
4 cial assistance under any other law.

5 (b) CONSULTATION AND COORDINATION.—The head
6 of any Federal agency planning to conduct activities that
7 may have an impact on the National Heritage Area is en-
8 couraged to consult and coordinate the activities with the
9 Secretary and the local coordinating entity to the max-
10 imum extent practicable.

11 (c) OTHER FEDERAL AGENCIES.—Nothing in this
12 Act—

13 (1) modifies, alters, or amends any law or regu-
14 lation authorizing a Federal agency to manage Fed-
15 eral land under the jurisdiction of the Federal agen-
16 cy;

17 (2) limits the discretion of a Federal land man-
18 ager to implement an approved land use plan within
19 the boundaries of the National Heritage Area; or

20 (3) modifies, alters, or amends any authorized
21 use of Federal land under the jurisdiction of a Fed-
22 eral agency.

23 **SEC. 10. PRIVATE PROPERTY AND REGULATORY PROTEC-**
24 **TIONS.**

25 Nothing in this Act—

1 (1) abridges the rights of any owner of public
2 or private property, including the right to refrain
3 from participating in any plan, project, program, or
4 activity conducted within the National Heritage
5 Area;

6 (2) requires any property owner to permit pub-
7 lic access (including access by Federal, State, tribal,
8 or local agencies) to the property of the property
9 owner, or to modify public access or use of property
10 of the property owner under any other Federal,
11 State, tribal, or local law;

12 (3) alters any duly adopted land use regulation,
13 approved land use plan, or other regulatory author-
14 ity of any Federal, State, tribal, or local agency, or
15 conveys any land use or other regulatory authority
16 to any local coordinating entity, including develop-
17 ment and management of energy, water, or water-re-
18 lated infrastructure;

19 (4) authorizes or implies the reservation or ap-
20 propriation of water or water rights;

21 (5) diminishes the authority of the State to
22 manage fish and wildlife, including the regulation of
23 fishing and hunting within the National Heritage
24 Area; or

1 (6) creates any liability, or affects any liability
2 under any other law, of any private property owner
3 with respect to any person injured on the private
4 property.

5 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
7 to subsection (b), there are authorized to be appropriated
8 to carry out this Act not more than \$1,000,000 for any
9 fiscal year. Funds so appropriated shall remain available
10 until expended.

11 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
12 PRIATED.—Not more than \$15,000,000 may be appro-
13 priated to carry out this Act.

14 (c) COST-SHARING REQUIREMENT.—The Federal
15 share of the total cost of any activity under this Act shall
16 be not more than 50 percent. The non-Federal contribu-
17 tion may be in the form of in-kind contributions of goods
18 or services fairly valued.

19 **SEC. 12. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

20 Nothing in this Act shall preclude the local coordi-
21 nating entity from using Federal funds available under
22 other laws for the purposes for which those funds were
23 authorized.

1 **SEC. 13. TERMINATION OF FINANCIAL ASSISTANCE.**

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

○