

NATIONAL HERITAGE AREAS ACT

JULY 19, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4492]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4492) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

TITLE I—EXTENSIONS

SEC. 101. AUTHORIZATION AND APPROPRIATION EXTENSIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 408, 507, and 811, by striking “September 30, 2012” and inserting “September 30, 2027”;

(2) in each of sections 108(a), 209(a), 409(a), 508(a), and 812(a), by striking “a total of \$10,000,000” and inserting “a total of \$20,000,000”; and

(3) in title VIII, by striking “Canal National Heritage Corridor” each place it appears in the section headings and text and inserting “National Heritage Canalway”.

TITLE II—NATIONAL AVIATION HERITAGE AREA

SEC. 201. SHORT TITLE.

This title may be cited as the “National Aviation Heritage Area Act”.

SEC. 202. FINDINGS AND PURPOSE.**(a) FINDINGS.**—Congress finds the following:

(1) Few technological advances have transformed the world or our Nation's economy, society, culture, and national character as the development of powered flight.

(2) The industrial, cultural, and natural heritage legacies of the aviation and aerospace industry in the State of Ohio are nationally significant.

(3) Dayton, Ohio, and other defined areas where the development of the airplane and aerospace technology established our Nation's leadership in both civil and military aeronautics and astronautics set the foundation for the 20th Century to be an American Century.

(4) Wright-Patterson Air Force Base in Dayton, Ohio, is the birthplace, the home, and an integral part of the future of aerospace.

(5) The economic strength of our Nation is connected integrally to the vitality of the aviation and aerospace industry, which is responsible for an estimated 11,200,000 American jobs.

(6) The industrial and cultural heritage of the aviation and aerospace industry in the State of Ohio includes the social history and living cultural traditions of several generations.

(7) The Department of the Interior is responsible for protecting and interpreting the Nation's cultural and historic resources, and there are significant examples of these resources within Ohio to merit the involvement of the Federal Government to develop programs and projects in cooperation with the Aviation Heritage Foundation, Incorporated, the State of Ohio, and other local and governmental entities to adequately conserve, protect, and interpret this heritage for the educational and recreational benefit of this and future generations of Americans, while providing opportunities for education and revitalization.

(8) Since the enactment of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102-419), partnerships among the Federal, State, and local governments and the private sector have greatly assisted the development and preservation of the historic aviation resources in the Miami Valley.

(9) An aviation heritage area centered in Southwest Ohio is a suitable and feasible management option to increase collaboration, promote heritage tourism, and build on the established partnerships among Ohio's historic aviation resources and related sites.

(10) A critical level of collaboration among the historic aviation resources in Southwest Ohio cannot be achieved without a congressionally established national heritage area and the support of the National Park Service and other Federal agencies which own significant historic aviation-related sites in Ohio.

(11) The Aviation Heritage Foundation, Incorporated, would be an appropriate management entity to oversee the development of the National Aviation Heritage Area.

(12) Five National Park Service and Dayton Aviation Heritage Commission studies and planning documents: "Study of Alternatives: Dayton's Aviation Heritage", "Dayton Aviation Heritage National Historical Park Suitability/Feasibility Study", "Dayton Aviation Heritage General Management Plan", "Dayton Historic Resources Preservation and Development Plan", and Heritage Area Concept Study, demonstrated that sufficient historical resources exist to establish the National Aviation Heritage Area.

(13) With the advent of the 100th anniversary of the first powered flight in 2003, it is recognized that the preservation of properties nationally significant in the history of aviation is an important goal for the future education of Americans.

(14) Local governments, the State of Ohio, and private sector interests have embraced the heritage area concept and desire to enter into a partnership with the Federal government to preserve, protect, and develop the Heritage Area for public benefit.

(15) The National Aviation Heritage Area would complement and enhance the aviation-related resources within the National Park Service, especially the Dayton Aviation Heritage National Historical Park, Ohio.

(b) PURPOSE.—The purpose of this title is to establish the Heritage Area to—

(1) encourage and facilitate collaboration among the facilities, sites, organizations, governmental entities, and educational institutions within the Heritage Area to promote heritage tourism and to develop educational and cultural programs for the public;

(2) preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, structures, facilities, and sites within the National Aviation Heritage Area;

(3) encourage within the National Aviation Heritage Area a broad range of economic opportunities enhancing the quality of life for present and future generations;

(4) provide a management framework to assist the State of Ohio, its political subdivisions, other areas, and private organizations, or combinations thereof, in preparing and implementing an integrated Management Plan to conserve their aviation heritage and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the Heritage Area; and

(5) authorize the Secretary to provide financial and technical assistance to the State of Ohio, its political subdivisions, and private organizations, or combinations thereof, in preparing and implementing the private Management Plan.

SEC. 203. DEFINITIONS.

For purposes of this title:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Foundation.

(2) **FINANCIAL ASSISTANCE.**—The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purpose of preparing and implementing the Management Plan.

(3) **HERITAGE AREA.**—The term “Heritage Area” means the National Aviation Heritage Area established by section 104 to receive, distribute, and account for Federal funds appropriated for the purpose of this title.

(4) **MANAGEMENT PLAN.**—The term “Management Plan” means the management plan for the Heritage Area developed under section 106.

(5) **MANAGEMENT ENTITY.**—The term “management entity” means the Aviation Heritage Foundation, Incorporated (a nonprofit corporation established under the laws of the State of Ohio).

(6) **PARTNER.**—The term “partner” means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(8) **TECHNICAL ASSISTANCE.**—The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

SEC. 204. NATIONAL AVIATION HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is established in the States of Ohio and Indiana, the National Aviation Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall include the following:

(1) A core area consisting of resources in Montgomery, Greene, Warren, Miami, Clark, Champaign, Shelby, and Auglaize Counties in Ohio.

(2) The Neil Armstrong Air Space Museum, Wapakoneta, Ohio.

(3) Sites, buildings, and districts within the core area recommended by the Management Plan.

(c) **MAP.**—A map of the Heritage Area shall be included in the Management Plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Aviation Heritage Foundation.

SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

(a) **AUTHORITIES.**—For purposes of implementing the Management Plan, the management entity may use Federal funds made available through this title to—

(1) make grants to, and enter into cooperative agreements with, the State of Ohio and political subdivisions of that State, private organizations, or any person;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The management entity shall—

(1) develop and submit to the Secretary for approval the proposed Management Plan in accordance with section 106;

(2) give priority to implementing actions set forth in the Management Plan, including taking steps to assist units of government and nonprofit organizations in preserving resources within the Heritage Area;

(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area in developing and implementing the Management Plan;

- (4) maintain a collaboration among the partners to promote heritage tourism and to assist partners to develop educational and cultural programs for the public;
- (5) encourage economic viability in the Heritage Area consistent with the goals of the Management Plan;
- (6) assist units of government and nonprofit organizations in—
 - (A) establishing and maintaining interpretive exhibits in the Heritage Area;
 - (B) developing recreational resources in the Heritage Area;
 - (C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and
 - (D) restoring historic buildings that relate to the purposes of the Heritage Area;
- (7) conduct public meetings at least quarterly regarding the implementation of the Management Plan;
- (8) submit substantial amendments to the Management Plan to the Secretary for the approval of the Secretary; and
- (9) for any year in which Federal funds have been received under this title—
 - (A) submit an annual report to the Secretary that sets forth the accomplishments of the management entity and its expenses and income;
 - (B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and
 - (C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.
- (c) USE OF FEDERAL FUNDS.—
 - (1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.
 - (2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for authorized purposes.

SEC. 206. MANAGEMENT PLAN.

- (a) PREPARATION OF PLAN.—Not later than 3 years after the date of the enactment of this title, the management entity shall submit to the Secretary for approval a proposed Management Plan that shall take into consideration State and local plans and involve residents, public agencies, and private organizations in the Heritage Area.
- (b) CONTENTS.—The Management Plan shall incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area and shall include the following:
 - (1) An inventory of the resources contained in the core area of the Heritage Area, including the Dayton Aviation Heritage Historical Park, the sites, buildings, and districts listed in section 202 of the Dayton Aviation Heritage Preservation Act of 1992 (Public Law 102–419), and any other property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, or maintained because of its significance.
 - (2) An assessment of cultural landscapes within the Heritage Area.
 - (3) Provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with the purposes of this title.
 - (4) An interpretation plan for the Heritage Area.
 - (5) A program for implementation of the Management Plan by the management entity, including the following:
 - (A) Facilitating ongoing collaboration among the partners to promote heritage tourism and to develop educational and cultural programs for the public.
 - (B) Assisting partners planning for restoration and construction.
 - (C) Specific commitments of the partners for the first 5 years of operation.
 - (6) The identification of sources of funding for implementing the plan.
 - (7) A description and evaluation of the management entity, including its membership and organizational structure.
- (c) DISQUALIFICATION FROM FUNDING.—If a proposed Management Plan is not submitted to the Secretary within 3 years of the date of the enactment of this title, the management entity shall be ineligible to receive additional funding under this title until the date on which the Secretary receives the proposed Management Plan.
- (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the State of Ohio, shall approve or disapprove the proposed Manage-

ment Plan submitted under this title not later than 90 days after receiving such proposed Management Plan.

(e) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed Management Plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed Management Plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(f) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve substantial amendments to the Management Plan. Funds appropriated under this title may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—Upon the request of the management entity, the Secretary may provide technical assistance, on a reimbursable or non-reimbursable basis, and financial assistance to the Heritage Area to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

- (1) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and
- (2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) **DUTIES OF OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

- (1) consult with the Secretary and the management entity with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this title;
- (3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (4) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

SEC. 208. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE AND THE ADMINISTRATOR OF NASA.

The decisions concerning the execution of this title as it applies to properties under the control of the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall be made by such Secretary or such Administrator, in consultation with the Secretary of the Interior.

SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 210. PRIVATE PROPERTY PROTECTION.

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

- (1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or
- (2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this

title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

(b) **FIFTY PERCENT MATCH.**—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.

SEC. 212. SUNSET PROVISION.

The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date that funds are first made available for this title.

TITLE III—NATIONAL COAL HERITAGE AREA

SEC. 301. NATIONAL COAL HERITAGE AREA.

(a) **NATIONAL COAL HERITAGE AREA AUTHORITY; BOUNDARY REVISION.**—Title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103(b), by inserting “(1)” before “the counties” and by inserting the following before the period: “; (2) Lincoln County, West Virginia; and (3) Paint Creek and Cabin Creek in Kanawha County, West Virginia”.

(2) In section 104, by striking “Governor” and all that follows through “organizations” in the matter preceding paragraph (1) and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

(3) In section 105—

(A) by striking “paragraph (2) of”; and

(B) by adding at the end the following new sentence: “Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.”.

(4) In section 106(a)—

(A) by striking “Governor” and all that follows through “and Parks” and inserting “National Coal Heritage Area Authority”; and

(B) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities” and inserting “National Coal Heritage Area Authority”.

(b) **AGREEMENT CONTINUING IN EFFECT.**—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of the enactment of this Act pursuant to section 104 of title I of division II of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 461 note) shall be deemed as continuing in effect, except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

TITLE IV—COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY

SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY.

(a) **REAUTHORIZATION.**—Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking “\$4,000,000” and all that follows and inserting “such sums as may be necessary.”; and

(2) in subsection (c), by striking “10” and inserting “12”.

(b) **STRATEGIC PLAN.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall, by not later than 2 years after the date of the enactment of this Act, prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) **CONTENTS.**—The strategic plan shall describe—

- (A) opportunities to increase participation by national and local private and public interests in planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and
- (B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

TITLE V—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

SEC. 501. SHORT TITLE.

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2004”.

SEC. 502. TRANSITION AND PROVISIONS FOR NEW MANAGEMENT ENTITY; COUNCIL.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461 note) is amended as follows:

- (1) In section 103—
 - (A) in paragraph (8), by striking “and”;
 - (B) in paragraph (9), by striking the period and inserting “; and”; and
 - (C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code).”.
- (2) By adding at the end of section 112 the following new paragraph:

“(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the management entity to the Association and coordination with the Association regarding that role.”.
- (3) By adding at the end the following new sections:

“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

“Upon the termination of the Commission, the management entity for the corridor shall be the Association. Upon the expiration of the Commission, the Association shall have the powers and restrictions of the Commission under this Act.

“SEC. 120. DUTIES AND AUTHORITIES OF THE MANAGEMENT ENTITY.

“For purposes of preparing and implementing the management plan developed under section 121, the management entity may use Federal funds made available under this Act—

- “(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;
- “(2) to hire, train, and compensate staff; and
- “(3) to enter into contracts for goods and services.

“SEC. 121. DUTIES OF THE ASSOCIATION.

“The Association shall—

- “(1) develop and submit to the Secretary for approval the management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;
- “(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—
 - “(A) in preserving the corridor;
 - “(B) in establishing and maintaining interpretive exhibits in the corridor;
 - “(C) in developing recreational resources in the corridor;
 - “(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and
 - “(E) in facilitating the restoration of any historic building relating to the themes of the corridor;
- “(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;
- “(4) consider the interests of diverse governmental, business, and other groups within the corridor;
- “(5) conduct public meetings at least quarterly regarding the implementation of the management plan;
- “(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;
- “(7) for any year in which Federal funds have been received under this Act—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

“SEC. 122. USE OF FEDERAL FUNDS.

“(1) IN GENERAL.—The Association shall not use Federal funds received under this Act to acquire real property or an interest in real property.

“(2) OTHER SOURCES.—Nothing in this Act precludes the Association from using Federal funds from other sources for authorized purposes.

“SEC. 123. MANAGEMENT PLAN.

“(a) PREPARATION OF PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions to be undertaken by units of government and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include the following:

“(A) Identification of the geographic boundaries of the corridor.

“(B) A brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.

“(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

“(D) A listing of the key resources and themes of the corridor.

“(E) Identification of parties responsible for carrying out the tasks, including any National Park Service responsibilities.

“(F) A financial plan and other information on costs and sources of funds.

“(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

“(H) A mechanism and schedule for updating the plan based on actual progress.

“(I) A bibliography of documents used to develop the management plan.

“(J) A discussion of any other relevant issues relating to the management plan.

“(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this Act until the Secretary receives a proposed management plan from the Association.

“(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this Act not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

“(d) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

“(e) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available

under this Act may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

“(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this Act;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—To carry out this Act there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this Act for any fiscal year.

“(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent of that cost.

“SEC. 126. SUNSET.

“The authority of the Secretary to provide assistance under this Act terminates on September 30, 2027.”.

SEC. 503. PRIVATE PROPERTY PROTECTION.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 502 of this title) the following new sections:

“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

“(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

“(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

“SEC. 128. PRIVATE PROPERTY PROTECTION.

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

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

“(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

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

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this Act

may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”.

SEC. 504. TECHNICAL AMENDMENTS.

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

- (1) by striking subsection (b); and
- (2) in subsection (a)—
 - (A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;
 - (B) by striking “Commission” and inserting “Association”;
 - (C) by striking “Commission’s” and inserting “Association’s”;
 - (D) by redesignating paragraph (2) as subsection (b); and
 - (E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE VI—OIL REGION NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE; DEFINITIONS.

(a) **SHORT TITLE.**—This title may be cited as the “Oil Region National Heritage Area Act”.

(b) **DEFINITIONS.**—For the purposes of this title, the following definitions shall apply:

- (1) **HERITAGE AREA.**—The term “Heritage Area” means the Oil Region National Heritage Area established in section 603(a).
- (2) **MANAGEMENT ENTITY.**—The term “management entity” means the Oil Heritage Region, Inc., or its successor entity.
- (3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 602. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—The Congress finds the following:

(1) The Oil Region of Northwestern Pennsylvania, with numerous sites and districts listed on the National Register of Historic Places, and designated by the Governor of Pennsylvania as one of the State Heritage Park Areas, is a region with tremendous physical and natural resources and possesses a story of State, national, and international significance.

(2) The single event of Colonel Edwin Drake’s drilling of the world’s first successful oil well in 1859 has affected the industrial, natural, social, and political structures of the modern world.

(3) Six national historic districts are located within the State Heritage Park boundary, in Emlenton, Franklin, Oil City, and Titusville, as well as 17 separate National Register sites.

(4) The Allegheny River, which was designated as a component of the national wild and scenic rivers system in 1992 by Public Law 102–271, traverses the Oil Region and connects several of its major sites, as do some of the river’s tributaries such as Oil Creek, French Creek, and Sandy Creek.

(5) The unspoiled rural character of the Oil Region provides many natural and recreational resources, scenic vistas, and excellent water quality for people throughout the United States to enjoy.

(6) Remnants of the oil industry, visible on the landscape to this day, provide a direct link to the past for visitors, as do the historic valley settlements, riverbed settlements, plateau developments, farmlands, and industrial landscapes.

(7) The Oil Region also represents a cross section of American history associated with Native Americans, frontier settlements, the French and Indian War, African Americans and the Underground Railroad, and immigration of Swedish and Polish individuals, among others.

(8) Involvement by the Federal Government shall serve to enhance the efforts of the Commonwealth of Pennsylvania, local subdivisions of the Commonwealth of Pennsylvania, volunteer organizations, and private businesses, to promote the cultural, national, and recreational resources of the region in order to fulfill their full potential.

(b) **PURPOSE.**—The purpose of this title is to enhance a cooperative management framework to assist the Commonwealth of Pennsylvania, its units of local government, and area citizens in conserving, enhancing, and interpreting the significant features of the lands, water, and structures of the Oil Region, in a manner con-

sistent with compatible economic development for the benefit and inspiration of present and future generations in the Commonwealth of Pennsylvania and the United States.

SEC. 603. OIL REGION NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Oil Region National Heritage Area.

(b) **BOUNDARIES.**—The boundaries of the Heritage Area shall include all of those lands depicted on a map entitled “Oil Region National Heritage Area”, numbered OIRE/20,000 and dated October, 2000. The map shall be on file in the appropriate offices of the National Park Service. The Secretary of the Interior shall publish in the Federal Register, as soon as practical after the date of the enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(c) **MANAGEMENT ENTITY.**—The management entity for the Heritage Area shall be the Oil Heritage Region, Inc., the locally based private, nonprofit management corporation which shall oversee the development of a management plan in accordance with section 605(b).

SEC. 604. COMPACT.

To carry out the purposes of this title, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the Secretary and management entity.

SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may use funds made available under this title for purposes of preparing, updating, and implementing the management plan developed under subsection (b). Such purposes may include—

- (1) making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, or any other person;
- (2) hiring and compensating staff; and
- (3) undertaking initiatives that advance the purposes of the Heritage Area.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that—

- (1) presents comprehensive strategies and recommendations for conservation, funding, management, and development of the Heritage Area;
- (2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;
- (3) includes a description of actions that units of government and private organizations have agreed to take to protect the resources of the Heritage Area;
- (4) specifies the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
- (5) includes an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;
- (6) describes a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments for that implementation that have been made by the management entity and any other persons for the first 5 years of implementation;
- (7) lists any revisions to the boundaries of the Heritage Area proposed by the management entity and requested by the affected local government; and
- (8) includes an interpretation plan for the Heritage Area.

(c) **DEADLINE; TERMINATION OF FUNDING.**—

(1) **DEADLINE.**—The management entity shall submit the management plan to the Secretary within 2 years after the funds are made available for this title.

(2) **TERMINATION OF FUNDING.**—If a management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal assistance under this title.

(d) **DUTIES OF MANAGEMENT ENTITY.**—The management entity shall—

- (1) give priority to implementing actions set forth in the compact and management plan;
- (2) assist units of government, regional planning organizations, and nonprofit organizations in—

- (A) establishing and maintaining interpretive exhibits in the Heritage Area;
- (B) developing recreational resources in the Heritage Area;
- (C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;
- (D) the restoration of any historic building relating to the themes of the Heritage Area;
- (E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and
- (F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this title;
- (3) encourage by appropriate means economic viability in the Heritage Area consistent with the goals of the management plan;
- (4) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area; and
- (5) for any year in which Federal funds have been provided to implement the management plan under subsection (b)—
 - (A) conduct public meetings at least annually regarding the implementation of the management plan;
 - (B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and
 - (C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.
- (e) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this title to acquire real property or an interest in real property.

SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.

- (a) TECHNICAL AND FINANCIAL ASSISTANCE.—
 - (1) IN GENERAL.—
 - (A) OVERALL ASSISTANCE.—The Secretary may, upon the request of the management entity, and subject to the availability of appropriations, provide technical and financial assistance to the management entity to carry out its duties under this title, including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives.
 - (B) OTHER ASSISTANCE.—If the Secretary has the resources available to provide technical assistance to the management entity to carry out its duties under this title (including updating and implementing a management plan that is submitted under section 605(b) and approved by the Secretary and, prior to such approval, providing assistance for initiatives), upon the request of the management entity the Secretary shall provide such assistance on a reimbursable basis. This subparagraph does not preclude the Secretary from providing nonreimbursable assistance under subparagraph (A).
 - (2) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in the—
 - (A) implementation of the management plan;
 - (B) provision of educational assistance and advice regarding land and water management techniques to conserve the significant natural resources of the region;
 - (C) development and application of techniques promoting the preservation of cultural and historic properties;
 - (D) preservation, restoration, and reuse of publicly and privately owned historic buildings;
 - (E) design and fabrication of a wide range of interpretive materials based on the management plan, including guide brochures, visitor displays, audiovisual and interactive exhibits, and educational curriculum materials for public education; and
 - (F) implementation of initiatives prior to approval of the management plan.
 - (3) DOCUMENTATION OF STRUCTURES.—The Secretary, acting through the Historic American Building Survey and the Historic American Engineering Record, shall conduct studies necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.
- (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a manage-

ment plan submitted under this title not later than 90 days after receiving such plan. In approving the plan, the Secretary shall take into consideration the following criteria:

- (1) The extent to which the management plan adequately preserves and protects the natural, cultural, and historical resources of the Heritage Area.
 - (2) The level of public participation in the development of the management plan.
 - (3) The extent to which the board of directors of the management entity is representative of the local government and a wide range of interested organizations and citizens.
- (c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.
- (d) APPROVING CHANGES.—The Secretary shall review and approve amendments to the management plan under section 605(b) that make substantial changes. Funds appropriated under this title may not be expended to implement such changes until the Secretary approves the amendments.
- (e) EFFECT OF INACTION.—If the Secretary does not approve or disapprove a management plan, revision, or change within 90 days after it is submitted to the Secretary, then such management plan, revision, or change shall be deemed to have been approved by the Secretary.

SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Heritage Area shall—

- (1) consult with the Secretary and the management entity with respect to such activities;
- (2) cooperate with the Secretary and the management entity in carrying out their duties under this title and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and
- (3) to the maximum extent practicable, conduct or support such activities in a manner that the management entity determines shall not have an adverse effect on the Heritage Area.

SEC. 608. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after the expiration of the 15-year period beginning on the date that funds are first made available for this title.

SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

- (a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.
- (b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 610. PRIVATE PROPERTY PROTECTION.

- (a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—
- (1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or
 - (2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.
- (b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.
- (c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.
- (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.
- (e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use

within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

SEC. 611. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this title shall preclude the management entity from using Federal funds available under Acts other than this title for the purposes for which those funds were authorized.

SEC. 612. AUTHORIZATION OF APPROPRIATIONS.

- (a) IN GENERAL.—There are authorized to be appropriated to carry out this title—
 - (1) not more than \$1,000,000 for any fiscal year; and
 - (2) not more than a total of \$10,000,000.
- (b) 50 PERCENT MATCH.—Financial assistance provided under this title may not be used to pay more than 50 percent of the total cost of any activity carried out with that assistance.

PURPOSE OF THE BILL

The purpose of H.R. 4492 is to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

As reported from the Committee on Resources, H.R. 4492 reauthorizes appropriations for five national heritage areas: Essex, Ohio & Erie, Coal, Tennessee, and the Rivers of Steel. It also extends the authorization an additional 15 years (to 2027) and increases the total authorized level to \$20M for each of those sites. The bill contains the text of two additional national heritage areas establishment bills which have already passed the House of Representatives: H.R. 280, National Aviation Heritage Area, and H.R. 1862, Oil Region National Heritage Area. The bill also allows three previously established national heritage areas to make technical changes in their management structure (National Coal Heritage Area, Coastal Heritage Trail, and Illinois and Michigan National Canal Heritage Corridor). Finally, the bill redesignates the “Canal National Heritage Corridor” as the “National Heritage Canalway”.

COMMITTEE ACTION

H.R. 4492 was introduced by Congressman Ralph Regula (R-OH) on June 2, 2004. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Recreation and Public Lands. On July 14, 2004, the Full Resources Committee met to consider the bill. The Subcommittee on National Parks, Recreation and Public Lands was discharged from any further consideration of the bill by unanimous consent. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute. The amendment added five additional titles to the underlying legislation, and designated the original text as Title I. Specifically, Title I reduced from nine to five the authorization of appropriations for national heritage areas under the Omnibus Parks and Public Lands Management Act of 1996. Titles II and VI established the National Aviation Heritage Area in Ohio and the Oil Region National Heritage Area in Northwestern Pennsylvania, respectively. Titles III and V reauthorized and allowed for a change in the management authority of the National Coal Heritage Area in West Virginia, and the Illinois and Michigan Canal National Heritage Corridor in Illinois, respectively. Finally, Title

IV reauthorized appropriations for the Coastal Heritage Trail Route in New Jersey and directed the Secretary of the Interior to prepare a strategic plan for sustaining the Area. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 19, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4492, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 4492—A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas

Summary: H.R. 4492 would authorize appropriations for national heritage areas (NHAs) and similar affiliated areas of the National Park System. NHAs and affiliated areas are nonfederal lands and communities managed privately in consultation with the National Park Service (NPS). Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 4492 would cost the federal government \$3 million in 2005 and \$22 million over the 2005–2009 period. (We estimate that an additional \$58 million would be authorized to be appropriated and spent after 2009.) Enacting the bill would not affect direct spending or revenues.

H.R. 4492 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Major provisions: Title I would increase authorizations and extend the authorization period for five NHAs:

- National Coal Heritage Area in West Virginia,
- Tennessee Civil War Heritage Area in Tennessee,
- Rivers of Steel NHA in Pennsylvania,
- Essex NHA in Massachusetts, and
- Ohio & Erie Canal National Heritage Corridor in Ohio.

The bill also would:

- Establish the Oil Region National Heritage Area in Pennsylvania and the National Aviation Heritage Area in Ohio and Indiana,
- Eliminate the \$4 million ceiling on appropriations for the Coastal Heritage Trail Route in New Jersey and authorize the appropriation of whatever amounts are necessary for assistance to that trail's managers beginning in fiscal year 2005, and
- Authorize the appropriation of \$10 million over the next 15 years to assist the Canal Corridor Association, the new managers of the Illinois and Michigan National Canal Heritage Corridor.

Estimated cost to the Federal Government: The estimated federal cost of implementing H.R. 4492 is summarized in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
Estimated Authorization Level	3	3	4	6	6
Estimated Outlays	3	3	4	6	6

Basis of estimate: H.R. 4492 would authorize appropriations of \$10 million each, up to \$1 million annually, for the Illinois and Michigan National Canal Heritage Corridor, the proposed Oil Re-

gion National Heritage Area, and the National Aviation Heritage Area. CBO estimates that implementing these provisions would cost \$15 million over the 2005–2009 period, and an additional \$15 million after 2009. These funds would be used to prepare and implement management plans to conserve and develop each area’s natural, cultural, and historical resources.

Title I would authorize the appropriation of an additional \$50 million for five existing NHAs, and would extend the authorized period of availability for those funds from 2012 to 2027. Based on historical spending by these five NHAs, CBO estimates the amounts authorized by the bill would be needed starting in 2007. We estimate that \$7 million of the amounts that would be authorized by H.R. 4492 would be spent over the 2007–2009 period for the Rivers of Steel and Essex NHAs and the Ohio & Erie Canal National Heritage Corridor. The remaining amounts authorized by title I would be spent after 2009.

Finally, the bill would authorize the appropriation of whatever amounts are necessary for the Coastal Heritage Trail Route. Based on historical spending for this site, CBO estimates that about \$250,000 a year would be spent for trail administration over the 2005–2009 period.

Intergovernmental and private-sector impact: H.R. 4492 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On November 10, 2003, CBO transmitted cost estimates for H.R. 1862, the Oil Region National Heritage Area Act, and for H.R. 280, the National Aviation Heritage Area Act, both as ordered reported by the House Committee on Resources on October 29, 2003. On June 22, 2004, we also transmitted a cost estimate for S. 180, the National Aviation Heritage Area Act, as ordered reported by the Senate Committee on Energy and Natural Resources on June 16, 2004. The estimated costs of these bills are the same as the costs of similar provisions in H.R. 4492.

Estimate prepared by: Federal Costs: Deborah Reis; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Amina Masood.

Estimated approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

**OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT
ACT OF 1996**

* * * * *

DIVISION II

**TITLE I—NATIONAL COAL HERITAGE
AREA**

* * * * *

SEC. 103. ESTABLISHMENT.

(a) * * *

* * * * *

(b) BOUNDARIES.—The Area shall be comprised of (1) the counties in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699; (2) *Lincoln County, West Virginia*; and (3) *Paint Creek and Cabin Creek within Kanawha County, West Virginia*.

SEC. 104. CONTRACTUAL AGREEMENT.

The Secretary of the Interior (hereafter in this title referred to as the “Secretary”) is authorized to enter into a contractual agreement with the [Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks, pursuant to which the Secretary shall assist the State of West Virginia, its units of local government, and non-profit organizations] *National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority* in each of the following:

(1) * * *

* * * * *

SEC. 105. ELIGIBLE RESOURCES.

The resources eligible for the assistance under [paragraph (2) of] section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia”, conducted pursuant to title VI of Public Law 100–699. Priority consideration shall be given to those sites listed as “Conservation Priorities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study. *Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.*

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the [Governor of the State of West Virginia, acting through the Division of Culture and History and the Division

of Tourism and Parks] *National Coal Heritage Area Authority*, shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) * * *

* * * * *

(3) set forth the responsibilities of the [State of West Virginia, units of local government, nonprofit entities] *National Coal Heritage Area Authority*, or the Secretary to administer any properties acquired pursuant to section 104.

* * * * *

SEC. 107. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, [2012] 2027.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$20,000,000 may be appropriated for the Area under this title.

* * * * *

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

* * * * *

SEC. 208. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, [2012] 2027.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$20,000,000 may be appropriated for the national heritage area under this title.

* * * * *

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

* * * * *

SEC. 408. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, [2012] 2027.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$20,000,000 may be appropriated for the Heritage Area under this title.

* * * * *

TITLE V—ESSEX NATIONAL HERITAGE AREA

* * * * *

SEC. 507. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, [2012] 2027.

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$20,000,000 may be appropriated for the Area under this title.

* * * * *

TITLE VIII—OHIO & ERIE [CANAL NA- TIONAL HERITAGE CORRIDOR] NA- TIONAL HERITAGE CANALWAY

SEC. 801. SHORT TITLE.

This title may be cited as the “Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway* Act of 1996”.

* * * * *

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term “corridor” means the Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway* established by section 804.

(2) The term “Committee” means the Ohio & Erie Canal National Heritage Area Committee established by section 805.

SEC. 804. OHIO & ERIE [CANAL NATIONAL HERITAGE CORRIDOR] NA- TIONAL HERITAGE CANALWAY.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway*.

SEC. 805. THE OHIO & ERIE [CANAL NATIONAL HERITAGE CORRIDOR] NATIONAL HERITAGE CANALWAY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established a Committee to be known as the “Ohio & Erie Canal [National Heritage Corridor] *National Heritage Canalway* Committee”, whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

* * * * *

SEC. 811. SUNSET.

The Secretary may not make any grant or provide any assistance under this title after September 30, [2012] 2027.

SEC. 812. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more

than a total of ~~[\$10,000,000]~~ \$20,000,000 may be appropriated for the corridor under this title.

* * * * *

SECTION 6 OF THE ACT OF OCTOBER 20, 1988

(Public Law 100–515)

AN ACT To provide for the establishment of the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

(b)(1) Notwithstanding the provisions of subsection (a), there are hereby authorized to be appropriated to the Secretary to carry out the purposes of this Act ~~[\$4,000,000,~~ which is in addition to any sums appropriated for such purposes for use during fiscal years ending on or before September 30, 1993.] *such sums as may be necessary.*

* * * * *

(c) The authorities provided to the Secretary under this Act shall terminate ~~[10]~~ 12 years after the date of enactment of this subsection.

* * * * *

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT OF 1984

TITLE I

* * * * *

DEFINITIONS

SEC. 103. For purposes of this title—

(1) * * *

* * * * *

(8) the term “Secretary” means the Secretary of the Interior;
[and]

(9) the term “State” means the State of Illinois[.]; and

(10) *the term “Association” means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code).*

* * * * *

DUTIES OF THE SECRETARY

SEC. 112. To carry out the purpose of this Act, the Secretary shall have the following duties:

(1) * * *

* * * * *

(7) *The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transi-*

tion of the management entity to the Association and coordination with the Association regarding that role.

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AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF AMOUNTS FOR CERTAIN PURPOSES

SEC. 116. [(a) AUTHORIZATION OF APPROPRIATIONS.—(1) For each] *(a) For each* fiscal year which commences after September 30, 1984, there is authorized to be appropriated—

[(A)] *(1)* to the [Commission] *Association* a sum not to exceed \$1,000,000 to carry out the [Commission's] *Association's* duties under this title; and

[(B)] *(2)* to the Secretary such sums as may be necessary to carry out the Secretary's duties under this title.

[(2)] *(b)* Any sum appropriated under paragraph (1) shall remain available until expended.

[(b) ALLOCATION OF AMOUNTS FOR CERTAIN PURPOSES.—Not less than 5 per centum of the aggregate amount available to the Commission from all sources for a fiscal year shall be used for carrying out each of the duties of the Commission specified in subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), and (b) of section 109.]

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SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.

Upon the termination of the Commission, the management entity for the corridor shall be the Association. Upon the expiration of the Commission, the Association shall have the powers and restrictions of the Commission under this Act.

SEC. 120. DUTIES AND AUTHORITIES OF THE MANAGEMENT ENTITY.

For purposes of preparing and implementing the management plan developed under section 121, the management entity may use Federal funds made available under this Act—

(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

(2) to hire, train, and compensate staff; and

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

SEC. 121. DUTIES OF THE ASSOCIATION.

The Association shall—

(1) develop and submit to the Secretary for approval the management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

(A) in preserving the corridor;

(B) in establishing and maintaining interpretive exhibits in the corridor;

(C) in developing recreational resources in the corridor;

(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

- (E) in facilitating the restoration of any historic building relating to the themes of the corridor;*
- (3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;*
- (4) consider the interests of diverse governmental, business, and other groups within the corridor;*
- (5) conduct public meetings at least quarterly regarding the implementation of the management plan;*
- (6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary;*
- (7) for any year in which Federal funds have been received under this Act—*
 - (A) submit an annual report to the Secretary setting forth the Association's accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;*
 - (B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and*
 - (C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.*

SEC. 122. USE OF FEDERAL FUNDS.

- (1) IN GENERAL.—The Association shall not use Federal funds received under this Act to acquire real property or an interest in real property.*
- (2) OTHER SOURCES.—Nothing in this Act precludes the Association from using Federal funds from other sources for authorized purposes.*

SEC. 123. MANAGEMENT PLAN.

- (a) PREPARATION OF PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the Secretary for approval a proposed management plan that shall—*
 - (1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;*
 - (2) present comprehensive recommendations for the corridor's conservation, funding, management, and development;*
 - (3) include actions to be undertaken by units of government and private organizations to protect the resources of the corridor;*
 - (4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and*
 - (5) include the following:*
 - (A) Identification of the geographic boundaries of the corridor.*
 - (B) A brief description and map of the corridor's overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages.*

(C) Identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks.

(D) A listing of the key resources and themes of the corridor.

(E) Identification of parties responsible for carrying out the tasks, including any National Park Service responsibilities.

(F) A financial plan and other information on costs and sources of funds.

(G) A description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan.

(H) A mechanism and schedule for updating the plan based on actual progress.

(I) A bibliography of documents used to develop the management plan.

(J) A discussion of any other relevant issues relating to the management plan.

(b) **DISQUALIFICATION FROM FUNDING.**—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this Act until the Secretary receives a proposed management plan from the Association.

(c) **APPROVAL OF MANAGEMENT PLAN.**—The Secretary shall approve or disapprove a proposed management plan submitted under this Act not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

(d) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

(e) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this Act may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

(b) *DUTIES OF OTHER FEDERAL AGENCIES.*—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

(1) consult with the Secretary and the Association with respect to such activities;

(2) cooperate with the Secretary and the Association in carrying out their duties under this Act;

(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

SEC. 125. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—To carry out this Act there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) *50 PERCENT MATCH.*—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent of that cost.

SEC. 126. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on September 30, 2027.

SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) *NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.*—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) *LANDOWNER WITHDRAW.*—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

SEC. 128. PRIVATE PROPERTY PROTECTION.

(a) *ACCESS TO PRIVATE PROPERTY.*—Nothing in this Act shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

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

(b) *LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.*

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

(d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.*

(e) *EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this Act may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.*

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