

107TH CONGRESS
2D SESSION

S. 1925

To establish the Freedom’s Way National Heritage Area in the States of
Massachusetts and New Hampshire, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2002

Mr. KERRY (for himself, Mr. KENNEDY, and Mr. GREGG) introduced the fol-
lowing bill; which was read twice and referred to the Committee on En-
ergy and Natural Resources

A BILL

To establish the Freedom’s Way National Heritage Area
in the States of Massachusetts and New Hampshire,
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.**

4 This Act may be cited as the “Freedom’s Way Na-
5 tional Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the cultural and natural legacies of an area
9 encompassing 36 communities in Massachusetts and

1 6 communities in New Hampshire have made impor-
2 tant and distinctive contributions to the national
3 character of America;

4 (2) recognizing and protecting those legacies
5 will help sustain the quality of life in the future;

6 (3) significant legacies of the area include—

7 (A) the early settlement of the United
8 States and the early evolution of democratic
9 forms of government;

10 (B) the development of intellectual tradi-
11 tions of the philosophies of freedom, democracy,
12 and conservation;

13 (C) the evolution of social ideas and reli-
14 gious freedom;

15 (D) the role of immigrants and industry in
16 contributing to ethnic diversity;

17 (E) Native American and African Amer-
18 ican resources; and

19 (F) the role of innovation and invention in
20 cottage industries;

21 (4) the communities in the area know the value
22 of the legacies but need a cooperative framework
23 and technical assistance to achieve important goals
24 by working together;

1 (5) there is a Federal interest in supporting the
2 development of a regional framework to assist the
3 States, local governments, local organizations, and
4 other persons in the region with conserving, pro-
5 tecting, and bringing recognition to the heritage of
6 the area for the educational and recreation benefit
7 of future generations of Americans;

8 (6) significant examples of the area's resources
9 include—

10 (A) Walden Pond State Reservation in
11 Concord, Massachusetts;

12 (B) Minute Man National Historical Park
13 in the State of Massachusetts;

14 (C) Shaker Villages in Shirley and Har-
15 vard in the State of Massachusetts;

16 (D) Wachusett Mountain State Reserva-
17 tion, Fitchburg Art Museum, and Barrett
18 House in New Ipswich, New Hampshire; and

19 (E) Beaver Brook Farms and Lost City of
20 Monson in Hollis, New Hampshire;

21 (7) the study entitled “Freedom's Way Herit-
22 age Area Feasibility Study”, prepared by the Free-
23 dom's Way Heritage Association, Inc., and the Mas-
24 sachusetts Department of Environmental Manage-
25 ment, demonstrates that there are sufficient nation-

1 ally distinctive historical resources necessary to es-
 2 tablish the Freedom’s Way National Heritage Area;
 3 and

4 (8) the Freedom’s Way Heritage Association,
 5 Inc., should oversee the development of the Free-
 6 dom’s Way National Heritage Area.

7 (b) PURPOSES.—The purposes of this Act are—

8 (1) to foster a close working relationship be-
 9 tween the Secretary and all levels of government, the
 10 private sector, and local communities in the States
 11 of Massachusetts and New Hampshire;

12 (2) to assist the entities referred to in para-
 13 graph (1) in preserving the special historic identity
 14 of the Heritage Area; and

15 (3) to manage, preserve, protect, and interpret
 16 the cultural, historical, and natural resources of the
 17 Heritage Area for the educational and inspirational
 18 benefit of future generations.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) HERITAGE AREA.—The term “Heritage
 22 Area” means the Freedom’s Way National Heritage
 23 Area established by section 4(a).

1 (2) MANAGEMENT ENTITY.—The term “man-
2 agement entity” means the management entity for
3 the Heritage Area designated by section 4(d).

4 (3) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the
6 Heritage Area developed under section 5.

7 (4) MAP.—The term “Map” means the map en-
8 titled “Freedom’s Way National Heritage Area”,
9 numbered ____ and dated ____.

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

12 **SEC. 4. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

13 (a) ESTABLISHMENT.—There is established the Free-
14 dom’s Way National Heritage Area in the States of Mas-
15 sachusetts and New Hampshire.

16 (b) BOUNDARIES.—

17 (1) IN GENERAL.—The Heritage Area shall
18 consist of the land within the boundaries of the Her-
19 itage Area, as depicted on the Map.

20 (2) REVISION.—The boundaries of the Heritage
21 Area may be revised if the revision is—

22 (A) proposed in the management plan;

23 (B) approved by the Secretary in accord-
24 ance with section 5(c); and

1 (C) placed on file in accordance with sub-
2 section (c).

3 (c) MAP AND LEGAL DESCRIPTION.—

4 (1) IN GENERAL.—As soon as practicable after
5 the date of enactment of this Act, the Secretary
6 shall publish in the Federal Register the Map and
7 legal description of the Heritage Area.

8 (2) AVAILABILITY.—The Map shall be on file
9 and available for public inspection in the appropriate
10 offices of the National Park Service.

11 (d) MANAGEMENT ENTITY.—The Freedom's Way
12 Heritage Association, Inc., shall serve as the management
13 entity for the Heritage Area.

14 **SEC. 5. MANAGEMENT PLAN.**

15 (a) IN GENERAL.—Not later than 3 years after the
16 date of enactment of this Act, the management entity shall
17 develop and submit to the Secretary for approval a man-
18 agement plan for the Heritage Area that presents com-
19 prehensive recommendations and strategies for the con-
20 servation, funding, management, and development of the
21 Heritage Area.

22 (b) REQUIREMENTS.—The management plan shall—

23 (1) take into consideration and coordinate Fed-
24 eral, State, and local plans to present a unified his-
25 toric preservation and interpretation plan;

1 (2) involve residents, public agencies, and pri-
2 vate organizations in the Heritage Area;

3 (3) describe actions that units of government
4 and private organizations recommend for the protec-
5 tion of the resources of the Heritage Area;

6 (4) identify existing and potential sources of
7 Federal and non-Federal funding for the conserva-
8 tion, management, and development of the Heritage
9 Area; and

10 (5) include—

11 (A) an inventory of the cultural, historic,
12 natural, or recreational resources contained in
13 the Heritage Area, including a list of property
14 that—

15 (i) is related to the themes of the
16 Heritage Area; and

17 (ii) should be conserved, restored,
18 managed, developed, or maintained;

19 (B) a recommendation of policies for re-
20 source management and protection that—

21 (i) apply appropriate land and water
22 management techniques;

23 (ii) develop intergovernmental cooper-
24 ative agreements to manage and protect
25 the cultural, historic, and natural resources

1 and recreation opportunities of the Herit-
2 age Area; and

3 (iii) support economic revitalization
4 efforts;

5 (C) a program of strategies and actions to
6 implement the management plan that—

7 (i) identifies—

8 (I) the roles of agencies and or-
9 ganizations that are involved in the
10 implementation of the management
11 plan; and

12 (II) the role of the management
13 entity;

14 (ii) includes—

15 (I) restoration and construction
16 plans or goals;

17 (II) a program of public involve-
18 ment;

19 (III) annual work plans; and

20 (IV) annual reports;

21 (D) an analysis of ways in which Federal,
22 State, and local programs may best be coordi-
23 nated to promote the purposes of this Act;

24 (E) an interpretive and educational plan
25 for the Heritage Area;

(F) any revisions proposed by the management entity to the boundaries of the Heritage Area and requested by the affected local government; and

(G) a process to provide public access to the management entity for the purpose of attempting to resolve informally any disputes arising from the management plan.

(c) FAILURE TO SUBMIT.—If the management entity fails to submit the management plan to the Secretary in accordance with subsection (a), the Heritage Area shall no longer qualify for Federal funding.

(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the management entity afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

1 (B) the resource protection and interpreta-
2 tion strategies contained in the management
3 plan would adequately protect the cultural and
4 historic resources of the Heritage Area; and

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

10 (3) ACTION FOLLOWING DISAPPROVAL.—If the
11 Secretary disapproves the management plan under
12 paragraph (1), the Secretary shall—

13 (A) advise the management entity in writ-
14 ing of the reasons for the disapproval;

15 (B) make recommendations for revisions to
16 the management plan; and

17 (C) not later than 60 days after the receipt
18 of any proposed revision of the management
19 plan from the management entity, approve or
20 disapprove the proposed revision.

21 (e) AMENDMENTS.—

22 (1) IN GENERAL.—In accordance with sub-
23 section (b), the Secretary shall approve or dis-
24 approve each amendment to the management plan

1 that the Secretary determines may make a substan-
2 tial change to the management plan.

3 (2) USE OF FUNDS.—Funds made available
4 under this Act shall not be expended by the manage-
5 ment entity to implement an amendment described
6 in paragraph (1) until the Secretary approves the
7 amendment.

8 **SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE**
9 **MANAGEMENT ENTITY.**

10 (a) AUTHORITIES.—The Management Entity may,
11 for purposes of preparing and implementing the manage-
12 ment plan, use funds made available under this Act to—

13 (1) make grants to, and enter into cooperative
14 agreements with, the States of Massachusetts and
15 New Hampshire (including a political subdivision), a
16 nonprofit organizations, or any person;

17 (2) hire and compensate staff;

18 (3) obtain funds from any source (including a
19 program that has a cost-sharing requirement); and

20 (4) contract for goods and services.

21 (b) DUTIES OF THE MANAGEMENT ENTITY.—In ad-
22 dition to developing the management plan, the manage-
23 ment entity shall—

24 (1) give priority to the implementation of ac-
25 tions, goals, and strategies set forth in the manage-

1 ment plan, including assisting units of government
2 and other persons in—

3 (A) carrying out the programs that recog-
4 nize and protect important resource values in
5 the Heritage Area;

6 (B) encouraging economic viability in the
7 Heritage Area in accordance with the goals of
8 the management plan;

9 (C) establishing and maintaining interpre-
10 tive exhibits in the Heritage Area;

11 (D) developing recreational and edu-
12 cational opportunities in the Heritage Area;

13 (E) increasing public awareness of and ap-
14 preciation for the cultural, historical, and nat-
15 ural resources of the Heritage Area;

16 (F) restoring historic buildings that are—

17 (i) located in the Heritage Area; and

18 (ii) relate to the themes of the Herit-
19 age Area; and

20 (G) installing throughout the Heritage
21 Area clear, consistent, and appropriate signs
22 identifying public access points and sites of in-
23 terest;

24 (2) prepare and implement the management
25 plan while considering the interests of diverse units

1 of government, businesses, private property owners,
2 and nonprofit groups within the Heritage Area;

3 (3) conduct public meetings at least quarterly
4 regarding the development and implementation of
5 the management plan;

6 (4) for any fiscal year for which Federal funds
7 are received under this Act—

8 (A) submit to the Secretary a report that
9 describes, for the year—

10 (i) the accomplishments of the man-
11 agement entity;

12 (ii) the expenses and income of the
13 management entity; and

14 (iii) each entity to which a grant was
15 made;

16 (B) make available for audit by Congress,
17 the Secretary, and appropriate units of govern-
18 ment, all records pertaining to the expenditure
19 of the funds and any matching funds; and

20 (C) require, for all agreements authorizing
21 expenditure of Federal funds by any entity,
22 that the receiving entity make available for
23 audit all records pertaining to the expenditure
24 of the funds.

1 (c) PROHIBITION ON THE ACQUISITION OF REAL
2 PROPERTY.—

3 (1) FEDERAL FUNDS.—The management entity
4 shall not use Federal funds made available under
5 this Act to acquire real property or any interest in
6 real property.

7 (2) OTHER FUNDS.—Notwithstanding para-
8 graph (1), the management entity may acquire real
9 property or an interest in real property using non-
10 Federal funds.

11 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
12 **FEDERAL AGENCIES.**

13 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

14 (1) IN GENERAL.—On the request of the man-
15 agement entity, the Secretary may provide technical
16 and financial assistance for the development and im-
17 plementation of the management plan.

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

21 (A) conserving the significant cultural, his-
22 toric, and natural resources of the Heritage
23 area; and

1 (B) providing educational, interpretive, and
2 recreational opportunities consistent with the
3 purposes of the Heritage Area.

4 (3) SPENDING FOR NON-FEDERAL PROPERTY.—
5 The management entity may expend Federal funds
6 made available under this Act on nonfederally owned
7 property that is—

8 (A) identified in the management plan; or
9 (B) listed or eligible for listing on the Na-
10 tional Register of Historic Places.

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

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

17 (1) consider the potential effect of the activity
18 on—

19 (A) the purposes of the Heritage Area; and

20 (B) the management plan;

21 (2) consult with the management entity regard-
22 ing the activity; and

23 (3) to the maximum extent practicable, conduct
24 or support the activity to avoid adverse effects on
25 the Heritage Area.

1 **SEC. 8. LAND USE REGULATION; APPLICABILITY OF FED-**
2 **ERAL LAW.**

3 (a) LAND USE REGULATION.—

4 (1) IN GENERAL.—The management entity
5 shall provide assistance and encouragement to State
6 and local governments, private organizations, and
7 persons to protect and promote the resources and
8 values of the Heritage Area.

9 (2) EFFECT.—Nothing in this Act—

10 (A) affects the authority of the State or
11 local governments to regulate under law any use
12 of land; or

13 (B) grants any power of zoning or land use
14 to the management entity.

15 (b) PRIVATE PROPERTY.—

16 (1) IN GENERAL.—The management entity
17 shall be an advocate for land management practices
18 consistent with the purposes of the Heritage Area.

19 (2) EFFECT.—Nothing in this Act—

20 (A) abridges the rights of any person with
21 regard to private property;

22 (B) affects the authority of the State or
23 local government regarding private property; or

24 (C) imposes any additional burden on any
25 property owner.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

9 **SEC. 10. TERMINATION OF AUTHORITY.**

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

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