

## Calendar No. 658

107TH CONGRESS  
2D SESSION**S. 2756**

To establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

JULY 18, 2002

Mr. JEFFORDS (for himself, Mr. LEAHY, Mr. SCHUMER, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

---

**A BILL**

To establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, 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 “Champlain Valley Na-  
5       tional Heritage Partnership Act of 2002”.



1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the Champlain Valley and its extensive cul-  
4 tural and natural resources have played a significant  
5 role in the history of the United States and the indi-  
6 vidual States of Vermont and New York;

7 (2) archaeological evidence indicates that the  
8 Champlain Valley has been inhabited by humans  
9 since the last retreat of the glaciers; with the Native  
10 Americans living in the area at the time of Euro-  
11 pean discovery being primarily of Iroquois and  
12 Algonquin descent;

13 (3) the linked waterways of the Champlain Val-  
14 ley, including the Richelieu River in Canada, played  
15 a unique and significant role in the establishment  
16 and development of the United States and Canada  
17 through several distinct eras, including—

18 (A) the era of European exploration, dur-  
19 ing which Samuel de Champlain and other ex-  
20 plorers used the waterways as a means of ac-  
21 cess through the wilderness;

22 (B) the era of military campaigns, includ-  
23 ing highly significant military campaigns of the  
24 French and Indian War, the American Revolu-  
25 tion, and the War of 1812; and



1           (C) the era of maritime commerce, during  
2           which canal boats, schooners, and steamships  
3           formed the backbone of commercial transpor-  
4           tation for the region;

5           (4) those unique and significant eras are best  
6           described by the theme “The Making of Nations and  
7           Corridors of Commerce”;

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

10          (6) the Champlain Valley is recognized as hav-  
11          ing one of the richest collections of historical re-  
12          sources in North America;

13          (7) the history and cultural heritage of the  
14          Champlain Valley are shared with Canada and the  
15          Province of Quebec;

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

18          (9) tourism is among the most important indus-  
19          tries in the Champlain Valley, and heritage tourism  
20          in particular plays a significant role in the economy  
21          of the Champlain Valley;

22          (10) it is important to enhance heritage tourism  
23          in the Champlain Valley while ensuring that in-  
24          creased visitation will not impair the historical and  
25          cultural resources of the region;



1           (11) according to the 1999 report of the Na-  
2           tional Park Service entitled “Champlain Valley Her-  
3           itage Corridor Project”, “the Champlain Valley con-  
4           tains resources and represents a theme ‘the Making  
5           of Nations and Corridors of Commerce’, that is of  
6           outstanding importance in U.S. history”; and

7           (12) it is in the interest of the United States  
8           to preserve and interpret the historical and cultural  
9           resources of the Champlain Valley for the education  
10          and benefit of present and future generations.

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

12           (1) to establish the Champlain Valley National  
13           Heritage Partnership in the States of Vermont and  
14           New York to recognize the importance of the histor-  
15           ical, cultural, and recreational resources of the  
16           Champlain Valley region to the United States;

17           (2) to assist the States of Vermont and New  
18           York, including units of local government and non-  
19           governmental organizations in the States, in pre-  
20           serving, protecting, and interpreting those resources  
21           for the benefit of the people of the United States;

22           (3) to use those resources and the theme “The  
23           Making of Nations and Corridors of Commerce”  
24           to—



1           (A) revitalize the economy of communities  
2           in the Champlain Valley; and

3           (B) generate and sustain increased levels  
4           of tourism in the Champlain Valley;

5           (4) to encourage—

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

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

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

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

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

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

21 **SEC. 3. DEFINITIONS.**

22           In this Act:

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



1 tional Heritage Partnership established by section  
2 4(a).

3 ~~(2) MANAGEMENT ENTITY.~~—The term “man-  
4 agement entity” means the Lake Champlain Basin  
5 Program.

6 ~~(3) MANAGEMENT PLAN.~~—The term “manage-  
7 ment plan” means the management plan developed  
8 under section 4(b)(1)(B)(i).

9 ~~(4) REGION.~~—

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

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

17 (i) the linked navigable waterways  
18 of—

19 (I) Lake Champlain;

20 (II) Lake George;

21 (III) the Champlain Canal; and

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



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

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

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

10 (6) STATE.—The term “State” means—

11 (A) the State of Vermont; and

12 (B) the State of New York.

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

22 **SEC. 4. HERITAGE PARTNERSHIP.**

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

25 (b) MANAGEMENT ENTITY.—



1           ~~(1) DUTIES.—~~

2                   ~~(A) IN GENERAL.—~~The management entity  
3 shall implement this Act.

4                   ~~(B) MANAGEMENT PLAN.—~~

5                   ~~(i) IN GENERAL.—~~Not later than 3  
6 years after the date of enactment of this  
7 Act, the management entity shall develop a  
8 management plan for the Heritage Part-  
9 nership.

10                   ~~(ii) CONTENTS.—~~The management  
11 plan shall include—

12                   ~~(I)~~ recommendations for funding;  
13 managing, and developing the Herit-  
14 age Partnership;

15                   ~~(II)~~ a description of activities to  
16 be carried out by public and private  
17 organizations to protect the resources  
18 of the Heritage Partnership;

19                   ~~(III)~~ a list of specific, potential  
20 sources of funding for the protection,  
21 management, and development of the  
22 Heritage Partnership;

23                   ~~(IV)~~ an assessment of the organi-  
24 zational capacity of the management



entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this Act.

(iii) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

~~(2)~~ PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this Act, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this Act.



1           ~~(3) PROHIBITION ON THE ACQUISITION OF~~  
 2           ~~REAL PROPERTY.—~~The management entity shall not  
 3           ~~use Federal funds made available under this Act to~~  
 4           ~~acquire real property or any interest in real prop-~~  
 5           ~~erty.~~

6           ~~(c) ASSISTANCE FROM SECRETARY.—~~To carry out  
 7           ~~the purposes of this Act, the Secretary may provide ad-~~  
 8           ~~ministrative, technical, financial, design, development, and~~  
 9           ~~operations assistance.~~

10   **SEC. 5. EFFECT.**

11           ~~Nothing in this Act—~~

12           ~~(1) grants powers of zoning or land use to the~~  
 13           ~~management entity;~~

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

18           ~~(3) obstructs or limits private business develop-~~  
 19           ~~ment activities or resource development activities.~~

20   **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21           ~~(a) IN GENERAL.—~~There is authorized to be appro-  
 22           ~~priated to carry out this Act not more than a total of~~  
 23           ~~\$30,000,000, of which not more than \$2,000,000 may be~~  
 24           ~~made available for any fiscal year.~~



1       (b) ~~NON-FEDERAL SHARE.~~—The non-Federal share  
 2 of the cost of any activities carried out using Federal  
 3 funds made available under subsection (a) shall be not less  
 4 than 10 percent.

5       **SEC. 7. TERMINATION OF AUTHORITY.**

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

9       **SECTION 1. SHORT TITLE.**

10       *This Act may be cited as the “Champlain Valley Na-*  
 11 *tional Heritage Partnership Act of 2002”.*

12       **SEC. 2. FINDINGS AND PURPOSES.**

13       (a) *FINDINGS.*—Congress finds that—

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

18               (2) *archeological evidence indicates that the*  
 19 *Champlain Valley has been inhabited by humans*  
 20 *since the last retreat of the glaciers, with the Native*  
 21 *Americans living in the area at the time of European*  
 22 *discovery being primarily of Iroquois and Algonquin*  
 23 *descent;*

24               (3) *the linked waterways of the Champlain Val-*  
 25 *ley, including the Richelieu River in Canada, played*



1       *a unique and significant role in the establishment*  
2       *and development of the United States and Canada*  
3       *through several distinct eras, including—*

4               *(A) the era of European exploration, during*  
5               *which Samuel de Champlain and other explorers*  
6               *used the waterways as a means of access through*  
7               *the wilderness;*

8               *(B) the era of military campaigns, includ-*  
9               *ing highly significant military campaigns of the*  
10              *French and Indian War, the American Revolu-*  
11              *tion, and the War of 1812; and*

12              *(C) the era of maritime commerce, during*  
13              *which canals boats, schooners, and steamships*  
14              *formed the backbone of commercial transpor-*  
15              *tation for the region;*

16              *(4) those unique and significant eras are best de-*  
17              *scribed by the theme “The Making of Nations and*  
18              *Corridors of Commerce”;*

19              *(5) the artifacts are structures associated with*  
20              *those eras are unusually well-preserved;*

21              *(6) the Champlain Valley is recognized as having*  
22              *one of the richest collections of historical resources in*  
23              *North America;*



1           (7) *the history and cultural heritage of the*  
 2           *Champlain Valley are shared with Canada and the*  
 3           *Province of Quebec;*

4           (8) *there are benefits in celebrating and pro-*  
 5           *moting this mutual heritage;*

6           (9) *tourism is among the most important indus-*  
 7           *tries in the Champlain Valley, and heritage tourism*  
 8           *in particular plays a significant role in the economy*  
 9           *of the Champlain Valley;*

10          (10) *it is important to enhance heritage tourism*  
 11          *in the Champlain Valley while ensuring that in-*  
 12          *creased visitation will not impair the historical and*  
 13          *cultural resources of the region;*

14          (11) *according to the 1999 report of the National*  
 15          *Park Service entitled “Champlain Valley Heritage*  
 16          *Corridor Project”, “the Champlain Valley contains*  
 17          *resources and represents a theme ‘The Making of Na-*  
 18          *tions and Corridors of Commerce’, that is of out-*  
 19          *standing importance in H.S. history”; and*

20          (12) *it is in the interest of the United States to*  
 21          *preserve and interpret the historical and cultural re-*  
 22          *sources of the Champlain Valley for the education and*  
 23          *benefit of present and future generations.*

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



1           (1) *to establish the Champlain Valley National*  
 2           *Heritage Partnership in the States of Vermont and*  
 3           *New York to recognize the importance of the histor-*  
 4           *ical, cultural, and recreational resources of the Cham-*  
 5           *plain Valley region to the United States;*

6           (2) *to assist the State of Vermont and New York,*  
 7           *including units of local government and nongovern-*  
 8           *mental organizations in the States, in preserving,*  
 9           *protecting, and interpreting those resources for the*  
 10          *benefit of the people of the United States;*

11          (3) *to use those resources and the theme “The*  
 12          *Making of Nations and Corridors of Commerce” to—*

13                (A) *revitalize the economy of communities*  
 14                *in the Champlain Valley; and*

15                (B) *generate and sustain increased levels of*  
 16                *tourism in the Champlain Valley;*

17          (4) *to encourage—*

18                (A) *partnerships among State and local*  
 19                *governments and nongovernmental organizations*  
 20                *in the United States; and*

21                (B) *collaboration with Canada and the*  
 22                *Province of Quebec to—*

23                    (i) *interpret and promote the history of*  
 24                    *the waterways of the Champlain Valley re-*  
 25                    *gion;*



- 1                   (ii) form stronger bonds between the  
 2                   United States and Canada; and  
 3                   (iii) promote the international aspects  
 4                   of the Champlain Valley region; and  
 5                   (5) to provide financial and technical assistance  
 6                   for the purposes described in paragraphs (1) through  
 7                   (4).

8 **SEC. 3. DEFINITIONS.**

9       *In this Act:*

10           (1) *HERITAGE PARTNERSHIP.*—The term “Herit-  
 11           age Partnership” means the Champlain Valley Na-  
 12           tional Heritage Partnership established by section  
 13           4(a).

14           (2) *MANAGEMENT ENTITY.*—The term “manage-  
 15           ment entity” means the Lake Champlain Basin Pro-  
 16           gram.

17           (3) *MANAGEMENT PLAN.*—The term “manage-  
 18           ment plan” means the management plan developed  
 19           under section 4(b)(B)(i).

20           (4) *REGION.*—

21               (A) *IN GENERAL.*—The term “region”  
 22               means any area or community in 1 of the States  
 23               in which a physical, cultural, or historical re-  
 24               source that represents the theme is located.



1                   (B) *INCLUSIONS.*—*The term “region” in-*  
 2                   *cludes*

3                   (i) *the linked navigable waterways*  
 4                   *of—*

5                   (I) *Lake Champlain;*

6                   (II) *Lake George;*

7                   (III) *the Champlain Canal; and*

8                   (IV) *the portion of the Upper*  
 9                   *Hudson River extending south to Sara-*  
 10                   *toga;*

11                   (ii) *portions of Grand Isle, Franklin,*  
 12                   *Chittenden, Addison, Rutland, and*  
 13                   *Bennington Counties in the State of*  
 14                   *Vermont; and*

15                   (iii) *portions of Clinton, Essex, War-*  
 16                   *ren, Saratoga and Washington Counties in*  
 17                   *the State of New York.*

18                   (5) *SECRETARY.*—*The term “Secretary” means*  
 19                   *the Secretary of the Interior.*

20                   (6) *STATE.*—*the term “State” means—*

21                   (A) *the State of Vermont; and*

22                   (B) *the State of New York.*

23                   (7) *THEME.*—*The term “theme” means the theme*  
 24                   *“The Making of Nations and Corridors of Commerce”,*  
 25                   *as the term is used in the 1999 report of the National*



1        *Park Service entitled “Champlain Valley Heritage*  
 2        *Corridor Project”, that describes the periods of inter-*  
 3        *national conflict and maritime commerce during*  
 4        *which the region played a unique and significant role*  
 5        *in the development of the United States and Canada.*

6    **SEC. 4. HERITAGE PARTNERSHIP.**

7        *(a) ESTABLISHMENT.—There is established in the re-*  
 8        *gional the Champlain Valley National Heritage Partner-*  
 9        *ship.*

10       *(b) MANAGEMENT ENTITY.—*

11            *(1) DUTIES.—*

12                    *(A) IN GENERAL.—The management entity*  
 13                    *shall implement the Act.*

14                    *(B) MANAGEMENT PLAN.—*

15                            *(i) IN GENERAL.—Not later than 3*  
 16                            *years after the date of enactment of this Act,*  
 17                            *the management entity shall develop a man-*  
 18                            *agement plan for the Heritage Partnership.*

19                            *(ii) EXISTING PLAN.—Pending the*  
 20                            *completion and approval of the manage-*  
 21                            *ment plan, the management entity may im-*  
 22                            *plement the provisions of this Act based on*  
 23                            *its federally authorized plan “Opportunities*  
 24                            *for Action, an Evolving Plan For Lake*  
 25                            *Champlain”.*



1                   (iii) *CONTENTS.—The management*  
 2                   *plan shall include—*

3                   (I) *recommendations for funding,*  
 4                   *managing, and developing the Heritage*  
 5                   *Partnership;*

6                   (II) *a description of activities to*  
 7                   *be carried out by public and private*  
 8                   *organizations to protect the resources of*  
 9                   *the Heritage Partnership;*

10                  (III) *a list of specific, potential*  
 11                  *sources of funding for the protection,*  
 12                  *management, and development of the*  
 13                  *Heritage Partnership;*

14                  (IV) *an assessment of the organi-*  
 15                  *zational capacity of the management*  
 16                  *entity to achieve the goals for imple-*  
 17                  *mentation; and*

18                  (V) *recommendations of ways in*  
 19                  *which to encourage collaboration with*  
 20                  *Canada and the Province of Quebec in*  
 21                  *implementing this Act.*

22                  (iv) *CONSIDERATIONS.—In developing*  
 23                  *the management plan under clause (i), the*  
 24                  *management entity shall take into consider-*



1            *ation existing Federal, State, and local*  
 2            *plans relating to the region.*

3            *(v) SUBMISSION TO SECRETARY FOR*  
 4            *APPROVAL.—*

5            *(I) IN GENERAL.—Not later than*  
 6            *3 years after the date of enactment of*  
 7            *this Act, the management entity shall*  
 8            *submit the management plan to the*  
 9            *Secretary for approval.*

10           *(II) EFFFECT OF FAILURE TO*  
 11           *SUBMIT.—If a management plan is not*  
 12           *submitted to the Secretary by the date*  
 13           *specified in paragraph (I), the Sec-*  
 14           *retary shall not provide any additional*  
 15           *funding under this Act until a man-*  
 16           *agement plan for the Heritage Partner-*  
 17           *ship is submitted to the Secretary.*

18           *(vi) APPROVAL.—Not later than 90*  
 19           *days after receiving the management plan*  
 20           *submitted under subparagraph (V)(I), the*  
 21           *Secretary, in consultation with the States,*  
 22           *shall approve or disapprove the manage-*  
 23           *ment plan.*

24           *(vii) ACTION FOLLOWING DIS-*  
 25           *APPROVAL.—*



1           (I) *GENERAL.—If the Secretary*  
 2           *disapproves a management plan under*  
 3           *subparagraph (vi), the Secretary*  
 4           *shall—*

5                     (aa) *advise the management*  
 6                     *entity in writing of the reasons*  
 7                     *for the disapproval;*

8                     (bb) *make recommendations*  
 9                     *for revisions to the management*  
 10                    *plan; and*

11                    (cc) *allow the management*  
 12                    *entity to submit to the Secretary*  
 13                    *revisions to the management plan.*

14           (II) *DEADLINE FOR APPROVAL OF*  
 15           *REVISION.—Not later than 90 days*  
 16           *after the date on which a revision is*  
 17           *submitted under subparagraph*  
 18           *(vii)(I)(cc), the Secretary shall approve*  
 19           *or disapprove the revision.*

20           (viii) *AMENDMENT.—*

21                    (I) *IN GENERAL.—After approval*  
 22                    *by the Secretary of the management*  
 23                    *plan, the management entity shall pe-*  
 24                    *riodically—*



1                   (aa) review the management  
2                   plan; and

3                   (bb) submit to the Secretary,  
4                   for review and approval by the  
5                   Secretary, the recommendations of  
6                   the management entity for any  
7                   amendments to the management  
8                   plan that the management entity  
9                   considers to be appropriate.

10                  (II) *EXPENDITURE OF FUNDS.*—

11                  No funds made available under this  
12                  Act shall be used to implement any  
13                  amendment proposed by the manage-  
14                  ment entity under subparagraph  
15                  (viii)(1) until the Secretary approves  
16                  the amendments.

17                  (2) *PARTNERSHIPS.*—

18                  (A) *IN GENERAL.*—In carrying out this Act,  
19                  the management entity may enter into partner-  
20                  ships with—

21                       (i) the States, including units of local  
22                       governments in the States;

23                       (ii) nongovernmental organizations;

24                       (iii) Indian Tribes; and



1                   (iv) other persons in the Heritage  
2                   Partnership.

3                   (B) GRANTS.—Subject to the availability of  
4                   funds, the management entity may provide  
5                   grants to partners under subparagraph (A) to  
6                   assist in implementing this Act.

7                   (3) PROHIBITION ON THE ACQUISITION OF REAL  
8                   PROPERTY.—The management entity shall not use  
9                   Federal funds made available under this Act to ac-  
10                  quire real property or any interest in real property.

11                  (c) ASSISTANCE FROM SECRETARY.—To carry out the  
12                  purposes of this Act, the Secretary may provide technical  
13                  and financial assistance to the management entity.

14   **SEC. 5. EFFECT.**

15                  Nothing in this Act—

16                   (1) grants powers of zoning or land use to the  
17                   management entity;

18                   (2) modifies, enlarges, or diminishes the author-  
19                   ity of the Federal Government or a State or local gov-  
20                   ernment to manage or regulate any use of land under  
21                   any law (including regulations); or

22                   (3) obstructs or limits private business develop-  
23                   ment activities or resource development activities.



1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

6       (b) *NON-FEDERAL SHARE.*—*The non-Federal share of*  
7 *the cost of any activities carried out using Federal funds*  
8 *made available under subsection (a) not be less than 50 per-*  
9 *cent.*

10 **SEC. 7. TERMINATION OF AUTHORITY.**

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



**Calendar No. 658**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2756**

---

---

**A BILL**

To establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

---

---

OCTOBER 8, 2002

Reported with an amendment