

## Calendar No. 658

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 4492**

IN THE SENATE OF THE UNITED STATES

JULY 20, 2004

Received and read the first time

JULY 21, 2004

Read the second time and placed on the calendar

**AN ACT**

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—EXTENSIONS**4 **SECTION 101. AUTHORIZATION AND APPROPRIATION EX-**  
5 **TENSIONS.**

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

1 (1) in each of sections 107, 208, 408, 507, 811,  
 2 and 910, by striking “September 30, 2012” and in-  
 3 serting “September 30, 2027”;

4 (2) in each of sections 108(a), 209(a), 409(a),  
 5 508(a), 812(a), and 909(c), by striking  
 6 “\$10,000,000” and inserting “\$20,000,000”; and

7 (3) in title VIII, by striking “Canal National  
 8 Heritage Corridor” each place it appears in the sec-  
 9 tion headings and text and inserting “National Her-  
 10 itage Canalway”.

## 11 **TITLE II—NATIONAL AVIATION** 12 **HERITAGE AREA**

### 13 **SEC. 201. SHORT TITLE.**

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

### 16 **SEC. 202. FINDINGS AND PURPOSE.**

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

18 (1) Few technological advances have trans-  
 19 formed the world or our Nation’s economy, society,  
 20 culture, and national character as the development  
 21 of powered flight.

22 (2) The industrial, cultural, and natural herit-  
 23 age legacies of the aviation and aerospace industry  
 24 in the State of Ohio are nationally significant.

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

7           (4) Wright-Patterson Air Force Base in Day-  
8       ton, Ohio, is the birthplace, the home, and an inte-  
9       gral part of the future of aerospace.

10          (5) The economic strength of our Nation is con-  
11       nected integrally to the vitality of the aviation and  
12       aerospace industry, which is responsible for an esti-  
13       mated 11,200,000 American jobs.

14          (6) The industrial and cultural heritage of the  
15       aviation and aerospace industry in the State of Ohio  
16       includes the social history and living cultural tradi-  
17       tions of several generations.

18          (7) The Department of the Interior is respon-  
19       sible for protecting and interpreting the Nation's  
20       cultural and historic resources, and there are signifi-  
21       cant examples of these resources within Ohio to  
22       merit the involvement of the Federal Government to  
23       develop programs and projects in cooperation with  
24       the Aviation Heritage Foundation, Incorporated, the  
25       State of Ohio, and other local and governmental en-

1       tities to adequately conserve, protect, and interpret  
2       this heritage for the educational and recreational  
3       benefit of this and future generations of Americans,  
4       while providing opportunities for education and revit-  
5       talization.

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

12          (9) An aviation heritage area centered in  
13      Southwest Ohio is a suitable and feasible manage-  
14      ment option to increase collaboration, promote herit-  
15      age tourism, and build on the established partner-  
16      ships among Ohio’s historic aviation resources and  
17      related sites.

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

24          (11) The Aviation Heritage Foundation, Incor-  
25      porated, would be an appropriate management entity

1 to oversee the development of the National Aviation  
2 Heritage Area.

3 (12) Five National Park Service and Dayton  
4 Aviation Heritage Commission studies and planning  
5 documents: “Study of Alternatives: Dayton’s Avia-  
6 tion Heritage”, “Dayton Aviation Heritage National  
7 Historical Park Suitability/Feasibility Study”, “Day-  
8 ton Aviation Heritage General Management Plan”,  
9 “Dayton Historic Resources Preservation and Devel-  
10 opment Plan”, and Heritage Area Concept Study,  
11 demonstrated that sufficient historical resources  
12 exist to establish the National Aviation Heritage  
13 Area.

14 (13) With the advent of the 100th anniversary  
15 of the first powered flight in 2003, it is recognized  
16 that the preservation of properties nationally signifi-  
17 cant in the history of aviation is an important goal  
18 for the future education of Americans.

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

24 (15) The National Aviation Heritage Area  
25 would complement and enhance the aviation-related

1 resources within the National Park Service, espe-  
2 cially the Dayton Aviation Heritage National Histor-  
3 ical Park, Ohio.

4 (b) PURPOSE.—The purpose of this title is to estab-  
5 lish the Heritage Area to—

6 (1) encourage and facilitate collaboration  
7 among the facilities, sites, organizations, govern-  
8 mental entities, and educational institutions within  
9 the Heritage Area to promote heritage tourism and  
10 to develop educational and cultural programs for the  
11 public;

12 (2) preserve and interpret for the educational  
13 and inspirational benefit of present and future gen-  
14 erations the unique and significant contributions to  
15 our national heritage of certain historic and cultural  
16 lands, structures, facilities, and sites within the Na-  
17 tional Aviation Heritage Area;

18 (3) encourage within the National Aviation  
19 Heritage Area a broad range of economic opportuni-  
20 ties enhancing the quality of life for present and fu-  
21 ture generations;

22 (4) provide a management framework to assist  
23 the State of Ohio, its political subdivisions, other  
24 areas, and private organizations, or combinations  
25 thereof, in preparing and implementing an inte-

1       grated Management Plan to conserve their aviation  
2       heritage and in developing policies and programs  
3       that will preserve, enhance, and interpret the cul-  
4       tural, historical, natural, recreation, and scenic re-  
5       sources of the Heritage Area; and

6               (5) authorize the Secretary to provide financial  
7       and technical assistance to the State of Ohio, its po-  
8       litical subdivisions, and private organizations, or  
9       combinations thereof, in preparing and implementing  
10      the private Management Plan.

11 **SEC. 203. DEFINITIONS.**

12      For purposes of this title:

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

15           (2) FINANCIAL ASSISTANCE.—The term “finan-  
16      cial assistance” means funds appropriated by Con-  
17      gress and made available to the management entity  
18      for the purpose of preparing and implementing the  
19      Management Plan.

20           (3) HERITAGE AREA.—The term “Heritage  
21      Area” means the National Aviation Heritage Area  
22      established by section 104 to receive, distribute, and  
23      account for Federal funds appropriated for the pur-  
24      pose of this title.

1           (4) MANAGEMENT PLAN.—The term “Manage-  
2           ment Plan” means the management plan for the  
3           Heritage Area developed under section 106.

4           (5) MANAGEMENT ENTITY.—The term “man-  
5           agement entity” means the Aviation Heritage Foun-  
6           dation, Incorporated (a nonprofit corporation estab-  
7           lished under the laws of the State of Ohio).

8           (6) PARTNER.—The term “partner” means a  
9           Federal, State, or local governmental entity, organi-  
10          zation, private industry, educational institution, or  
11          individual involved in promoting the conservation  
12          and preservation of the cultural and natural re-  
13          sources of the Heritage Area.

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

16          (8) TECHNICAL ASSISTANCE.—The term “tech-  
17          nical assistance” means any guidance, advice, help,  
18          or aid, other than financial assistance, provided by  
19          the Secretary.

20   **SEC. 204. NATIONAL AVIATION HERITAGE AREA.**

21          (a) ESTABLISHMENT.—There is established in the  
22          States of Ohio and Indiana, the National Aviation Herit-  
23          age Area.

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



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

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

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

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

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1           (1) develop and submit to the Secretary for ap-  
2           proval the proposed Management Plan in accordance  
3           with section 106;

4           (2) give priority to implementing actions set  
5           forth in the Management Plan, including taking  
6           steps to assist units of government and nonprofit or-  
7           ganizations in preserving resources within the Herit-  
8           age Area;

9           (3) consider the interests of diverse govern-  
10          mental, business, and nonprofit groups within the  
11          Heritage Area in developing and implementing the  
12          Management Plan;

13          (4) maintain a collaboration among the part-  
14          ners to promote heritage tourism and to assist part-  
15          ners to develop educational and cultural programs  
16          for the public;

17          (5) encourage economic viability in the Heritage  
18          Area consistent with the goals of the Management  
19          Plan;

20          (6) assist units of government and nonprofit or-  
21          ganizations in—

22                (A) establishing and maintaining interpre-  
23                tive exhibits in the Heritage Area;

24                (B) developing recreational resources in  
25                the Heritage Area;

1 (C) increasing public awareness of and ap-  
2 preciation for the historical, natural, and archi-  
3 tectural resources and sites in the Heritage  
4 Area; and

5 (D) restoring historic buildings that relate  
6 to the purposes of the Heritage Area;

7 (7) conduct public meetings at least quarterly  
8 regarding the implementation of the Management  
9 Plan;

10 (8) submit substantial amendments to the Man-  
11 agement Plan to the Secretary for the approval of  
12 the Secretary; and

13 (9) for any year in which Federal funds have  
14 been received under this title—

15 (A) submit an annual report to the Sec-  
16 retary that sets forth the accomplishments of  
17 the management entity and its expenses and in-  
18 come;

19 (B) make available to the Secretary for  
20 audit all records relating to the expenditure of  
21 such funds and any matching funds; and

22 (C) require, with respect to all agreements  
23 authorizing expenditure of Federal funds by  
24 other organizations, that the receiving organiza-  
25 tions make available to the Secretary for audit

1 all records concerning the expenditure of such  
2 funds.

3 (c) USE OF FEDERAL FUNDS.—

4 (1) IN GENERAL.—The management entity  
5 shall not use Federal funds received under this title  
6 to acquire real property or an interest in real prop-  
7 erty.

8 (2) OTHER SOURCES.—Nothing in this title  
9 precludes the management entity from using Federal  
10 funds from other sources for authorized purposes.

11 **SEC. 206. MANAGEMENT PLAN.**

12 (a) PREPARATION OF PLAN.—Not later than 3 years  
13 after the date of the enactment of this title, the manage-  
14 ment entity shall submit to the Secretary for approval a  
15 proposed Management Plan that shall take into consider-  
16 ation State and local plans and involve residents, public  
17 agencies, and private organizations in the Heritage Area.

18 (b) CONTENTS.—The Management Plan shall incor-  
19 porate an integrated and cooperative approach for the pro-  
20 tection, enhancement, and interpretation of the natural,  
21 cultural, historic, scenic, and recreational resources of the  
22 Heritage Area and shall include the following:

23 (1) An inventory of the resources contained in  
24 the core area of the Heritage Area, including the  
25 Dayton Aviation Heritage Historical Park, the sites,

1 buildings, and districts listed in section 202 of the  
2 Dayton Aviation Heritage Preservation Act of 1992  
3 (Public Law 102–419), and any other property in  
4 the Heritage Area that is related to the themes of  
5 the Heritage Area and that should be preserved, re-  
6 stored, managed, or maintained because of its sig-  
7 nificance.

8 (2) An assessment of cultural landscapes within  
9 the Heritage Area.

10 (3) Provisions for the protection, interpretation,  
11 and enjoyment of the resources of the Heritage Area  
12 consistent with the purposes of this title.

13 (4) An interpretation plan for the Heritage  
14 Area.

15 (5) A program for implementation of the Man-  
16 agement Plan by the management entity, including  
17 the following:

18 (A) Facilitating ongoing collaboration  
19 among the partners to promote heritage tour-  
20 ism and to develop educational and cultural  
21 programs for the public.

22 (B) Assisting partners planning for res-  
23 toration and construction.

24 (C) Specific commitments of the partners  
25 for the first 5 years of operation.

1           (6) The identification of sources of funding for  
2       implementing the plan.

3           (7) A description and evaluation of the manage-  
4       ment entity, including its membership and organiza-  
5       tional structure.

6       (c) DISQUALIFICATION FROM FUNDING.—If a pro-  
7       posed Management Plan is not submitted to the Secretary  
8       within 3 years of the date of the enactment of this title,  
9       the management entity shall be ineligible to receive addi-  
10      tional funding under this title until the date on which the  
11      Secretary receives the proposed Management Plan.

12      (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
13      PLAN.—The Secretary, in consultation with the State of  
14      Ohio, shall approve or disapprove the proposed Manage-  
15      ment Plan submitted under this title not later than 90  
16      days after receiving such proposed Management Plan.

17      (e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
18      retary disapproves a proposed Management Plan, the Sec-  
19      retary shall advise the management entity in writing of  
20      the reasons for the disapproval and shall make rec-  
21      ommendations for revisions to the proposed Management  
22      Plan. The Secretary shall approve or disapprove a pro-  
23      posed revision within 90 days after the date it is sub-  
24      mitted.

1 (f) APPROVAL OF AMENDMENTS.—The Secretary  
2 shall review and approve substantial amendments to the  
3 Management Plan. Funds appropriated under this title  
4 may not be expended to implement any changes made by  
5 such amendment until the Secretary approves the amend-  
6 ment.

7 **SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
8 **FEDERAL AGENCIES.**

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

19 (1) conserving the significant natural, historic,  
20 cultural, and scenic resources of the Heritage Area;  
21 and

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

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

4 (1) consult with the Secretary and the manage-  
5 ment entity with respect to such activities;

6 (2) cooperate with the Secretary and the man-  
7 agement entity in carrying out their duties under  
8 this title;

9 (3) to the maximum extent practicable, coordi-  
10 nate such activities with the carrying out of such du-  
11 ties; and

12 (4) to the maximum extent practicable, conduct  
13 or support such activities in a manner which the  
14 management entity determines will not have an ad-  
15 verse effect on the Heritage Area.

16 **SEC. 208. COORDINATION BETWEEN THE SECRETARY AND**  
17 **THE SECRETARY OF DEFENSE AND THE AD-**  
18 **MINISTRATOR OF NASA.**

19 The decisions concerning the execution of this title  
20 as it applies to properties under the control of the Sec-  
21 retary of Defense and the Administrator of the National  
22 Aeronautics and Space Administration shall be made by  
23 such Secretary or such Administrator, in consultation with  
24 the Secretary of the Interior.



1 **SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
2 **PROPERTY.**

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

10 (b) LANDOWNER WITHDRAW.—Any owner of private  
11 property included within the boundary of the Heritage  
12 Area shall have their property immediately removed from  
13 the boundary by submitting a written request to the man-  
14 agement entity.

15 **SEC. 210. PRIVATE PROPERTY PROTECTION.**

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

18 (1) require any private property owner to allow  
19 public access (including Federal, State, or local gov-  
20 ernment access) to such private property; or

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

24 (b) LIABILITY.—Designation of the Heritage Area  
25 shall not be considered to create any liability, or to have  
26 any effect on any liability under any other law, of any pri-

1 vate property owner with respect to any persons injured  
2 on such private property.

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

7 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
8 IN HERITAGE AREA.—Nothing in this title shall be con-  
9 strued to require the owner of any private property located  
10 within the boundaries of the Heritage Area to participate  
11 in or be associated with the Heritage Area.

12 (e) EFFECT OF ESTABLISHMENT.—The boundaries  
13 designated for the Heritage Area represent the area within  
14 which Federal funds appropriated for the purpose of this  
15 title may be expended. The establishment of the Heritage  
16 Area and its boundaries shall not be construed to provide  
17 any nonexisting regulatory authority on land use within  
18 the Heritage Area or its viewshed by the Secretary, the  
19 National Park Service, or the management entity.

20 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—To carry out this title there is au-  
22 thorized to be appropriated \$10,000,000, except that not  
23 more than \$1,000,000 may be appropriated to carry out  
24 this title for any fiscal year.

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

4 **SEC. 212. SUNSET PROVISION.**

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

9 **SEC. 213. STUDY REGARDING INCORPORATION OF WRIGHT**  
10 **COMPANY FACTORY AS A UNIT OF DAYTON**  
11 **AVIATION HERITAGE NATIONAL HISTORICAL**  
12 **PARK.**

13 (a) STUDY REQUIRED.—The Secretary shall conduct  
14 a special resource study updating the study required under  
15 section 104 of the Dayton Aviation Heritage Preservation  
16 Act of 1992 (Public Law 102–419) and detailing alter-  
17 natives for incorporating the Wright Company factory as  
18 a unit of Dayton Aviation Heritage National Historical  
19 Park, including detailing management and development  
20 options and costs for each alternative.

21 (b) CONSULTATION.—In conducting the study, the  
22 Secretary shall consult with the Delphi Corporation, the  
23 Aviation Heritage Foundation, State and local agencies,  
24 and other interested parties in the area.

1 (c) REPORT.—Not later than three years after funds  
 2 are first made available for this section, the Secretary  
 3 shall submit to the Committee on Resources of the House  
 4 of Representatives and the Committee on Energy and  
 5 Natural Resources of the Senate a report describing the  
 6 results of the study conducted under this section.

7 **TITLE III—NATIONAL COAL**  
 8 **HERITAGE AREA**

9 **SEC. 301. NATIONAL COAL HERITAGE AREA.**

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

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

20 (2) In section 104, by striking “Governor” and  
 21 all that follows through “organizations” in the mat-  
 22 ter preceding paragraph (1) and inserting “National  
 23 Coal Heritage Area Authority, a public corporation  
 24 and government instrumentality established by the  
 25 State of West Virginia, pursuant to which the Sec-

1       retary shall assist the National Coal Heritage Area  
2       Authority”.

3           (3) In section 105—

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

5               (B) by adding at the end the following new  
6       sentence: “Resources within Lincoln County,  
7       West Virginia, and Paint Creek and Cabin  
8       Creek within Kanawha County, West Virginia,  
9       shall also be eligible for assistance as deter-  
10      mined by the National Coal Heritage Area Au-  
11      thority.”.

12          (4) In section 106(a)—

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

16               (B) in paragraph (3), by striking “State of  
17       West Virginia” and all that follows through  
18       “entities” and inserting “National Coal Herit-  
19       age Area Authority”.

20          (b) AGREEMENT CONTINUING IN EFFECT.—The con-  
21       tractual agreement entered into by the Secretary of the  
22       Interior and the Governor of West Virginia prior to the  
23       date of the enactment of this Act pursuant to section 104  
24       of title I of division II of the Omnibus Parks and Public  
25       Lands Management Act of 1996 (16 U.S.C. 461 note)

1 shall be deemed as continuing in effect, except that such  
 2 agreement shall be between the Secretary and the Na-  
 3 tional Coal Heritage Area Authority.

## 4 **TITLE IV—COASTAL HERITAGE** 5 **TRAIL ROUTE IN NEW JERSEY**

### 6 **SEC. 401. REAUTHORIZATION OF APPROPRIATIONS FOR** 7 **COASTAL HERITAGE TRAIL ROUTE IN NEW** 8 **JERSEY.**

9 (a) REAUTHORIZATION.—Section 6 of Public Law  
 10 100–515 (16 U.S.C. 1244 note) is amended—

11 (1) in subsection (b)(1), by striking  
 12 “\$4,000,000” and all that follows and inserting  
 13 “such sums as may be necessary.”; and

14 (2) in subsection (c), by striking “10” and in-  
 15 serting “12”.

16 (b) STRATEGIC PLAN.—

17 (1) IN GENERAL.—The Secretary of the Inte-  
 18 rior shall, by not later than 2 years after the date  
 19 of the enactment of this Act, prepare a strategic  
 20 plan for the New Jersey Coastal Heritage Trail  
 21 Route.

22 (2) CONTENTS.—The strategic plan shall de-  
 23 scribe—

24 (A) opportunities to increase participation  
 25 by national and local private and public inter-

ests 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.**

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

1 Code of 1986 and exempt from taxation under sec-  
2 tion 501(a) of such Code).”.

3 (2) By adding at the end of section 112 the fol-  
4 lowing new paragraph:

5 “(7) The Secretary shall enter into a memo-  
6 randum of understanding with the Association to  
7 help ensure appropriate transition of the manage-  
8 ment entity to the Association and coordination with  
9 the Association regarding that role.”.

10 (3) By adding at the end the following new sec-  
11 tions:

12 **“SEC. 119. ASSOCIATION AS MANAGEMENT ENTITY.**

13 “Upon the termination of the Commission, the man-  
14 agement entity for the corridor shall be the Association.

15 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

16 “For purposes of preparing and implementing the  
17 management plan developed under section 121, the Asso-  
18 ciation may use Federal funds made available under this  
19 title—

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

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



1           “(3) to enter into contracts for goods and serv-  
2       ices.

3   **“SEC. 121. DUTIES OF THE ASSOCIATION.**

4       “The Association shall—

5           “(1) develop and submit to the Secretary for  
6       approval under section 123 a proposed management  
7       plan for the corridor not later than 2 years after  
8       Federal funds are made available for this purpose;

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

13           “(A) in preserving the corridor;

14           “(B) in establishing and maintaining inter-  
15      pretive exhibits in the corridor;

16           “(C) in developing recreational resources  
17      in the corridor;

18           “(D) in increasing public awareness of and  
19      appreciation for the natural, historical, and ar-  
20      chitectural resources and sites in the corridor;  
21      and

22           “(E) in facilitating the restoration of any  
23      historic building relating to the themes of the  
24      corridor;

1           “(3) encourage by appropriate means economic  
2           viability in the corridor consistent with the goals of  
3           the management plan;

4           “(4) consider the interests of diverse govern-  
5           mental, business, and other groups within the cor-  
6           ridor;

7           “(5) conduct public meetings at least quarterly  
8           regarding the implementation of the management  
9           plan;

10          “(6) submit substantial changes (including any  
11          increase of more than 20 percent in the cost esti-  
12          mates for implementation) to the management plan  
13          to the Secretary;

14          “(7) for any year in which Federal funds have  
15          been received under this title—

16               “(A) submit an annual report to the Sec-  
17               retary setting forth the Association’s accom-  
18               plishments, expenses and income, and the iden-  
19               tity of each entity to which any loans and  
20               grants were made during the year for which the  
21               report is made;

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

1           “(C) require, for all agreements author-  
2           izing expenditure of Federal funds by other or-  
3           ganizations, that the receiving organizations  
4           make available for audit all records pertaining  
5           to the expenditure of such funds.

6   **“SEC. 122. USE OF FEDERAL FUNDS.**

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

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

13   **“SEC. 123. MANAGEMENT PLAN.**

14          “(a) PREPARATION OF MANAGEMENT PLAN.—Not  
15          later than 2 years after the date that Federal funds are  
16          made available for this purpose, the Association shall sub-  
17          mit to the Secretary for approval a proposed management  
18          plan that shall—

19               “(1) take into consideration State and local  
20               plans and involve residents, local governments and  
21               public agencies, and private organizations in the cor-  
22               ridor;

23               “(2) present comprehensive recommendations  
24               for the corridor’s conservation, funding, manage-  
25               ment, and development;

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

5           “(4) specify the existing and potential sources  
6           of funding to protect, manage, and develop the cor-  
7           ridor; and

8           “(5) include the following:

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

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

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

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

21                  “(E) Identification of parties proposed to  
22                  be responsible for carrying out the tasks.

23                  “(F) A financial plan and other informa-  
24                  tion on costs and sources of funds.

1                   “(G) A description of the public participa-  
2                   tion process used in developing the plan and a  
3                   proposal for public participation in the imple-  
4                   mentation of the management plan.

5                   “(H) A mechanism and schedule for up-  
6                   dating the plan based on actual progress.

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

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

11               “(b) DISQUALIFICATION FROM FUNDING.—If a pro-  
12               posed management plan is not submitted to the Secretary  
13               within 2 years after the date that Federal funds are made  
14               available for this purpose, the Association shall be ineli-  
15               gible to receive additional funds under this title until the  
16               Secretary receives a proposed management plan from the  
17               Association.

18               “(c) APPROVAL OF MANAGEMENT PLAN.—The Sec-  
19               retary shall approve or disapprove a proposed manage-  
20               ment plan submitted under this title not later than 180  
21               days after receiving such proposed management plan. If  
22               action is not taken by the Secretary within the time period  
23               specified in the preceding sentence, the management plan  
24               shall be deemed approved. The Secretary shall consult  
25               with the local entities representing the diverse interests

1 of the corridor including governments, natural and historic  
2 resource protection organizations, educational institutions,  
3 businesses, recreational organizations, community resi-  
4 dents, and private property owners prior to approving the  
5 management plan. The Association shall conduct semi-an-  
6 nual public meetings, workshops, and hearings to provide  
7 adequate opportunity for the public and local and govern-  
8 mental entities to review and to aid in the preparation and  
9 implementation of the management plan.

10 “(d) EFFECT OF APPROVAL.—Upon the approval of  
11 the management plan as provided in subsection (c), the  
12 management plan shall supersede the conceptual plan con-  
13 tained in the National Park Service report.

14 “(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
15 retary disapproves a proposed management plan within  
16 the time period specified in subsection (c), the Secretary  
17 shall advise the Association in writing of the reasons for  
18 the disapproval and shall make recommendations for revi-  
19 sions to the proposed management plan.

20 “(f) APPROVAL OF AMENDMENTS.—The Secretary  
21 shall review and approve all substantial amendments (in-  
22 cluding any increase of more than 20 percent in the cost  
23 estimates for implementation) to the management plan.  
24 Funds made available under this title may not be ex-  
25 pended to implement any changes made by a substantial

1 amendment until the Secretary approves that substantial  
2 amendment.

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

5 “(a) TECHNICAL AND FINANCIAL ASSISTANCE.—  
6 Upon the request of the Association, the Secretary may  
7 provide technical assistance, on a reimbursable or non-  
8 reimbursable basis, and financial assistance to the Asso-  
9 ciation to develop and implement the management plan.  
10 The Secretary is authorized to enter into cooperative  
11 agreements with the Association and other public or pri-  
12 vate entities for this purpose. In assisting the Association,  
13 the Secretary shall give priority to actions that in general  
14 assist in—

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

17 “(2) providing educational, interpretive, and  
18 recreational opportunities consistent with the pur-  
19 poses of the corridor.

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

23 “(1) consult with the Secretary and the Asso-  
24 ciation with respect to such activities;

1           “(2) cooperate with the Secretary and the Asso-  
2           ciation in carrying out their duties under this title;

3           “(3) to the maximum extent practicable, coordi-  
4           nate such activities with the carrying out of such du-  
5           ties; and

6           “(4) to the maximum extent practicable, con-  
7           duct or support such activities in a manner which  
8           the Association determines is not likely to have an  
9           adverse effect on the corridor.

10   **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

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

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

18   **“SEC. 126. SUNSET.**

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

21   **SEC. 503. PRIVATE PROPERTY PROTECTION.**

22       The Illinois and Michigan Canal National Heritage  
23   Corridor Act of 1984 is further amended by adding after  
24   section 126 (as added by section 502 of this title) the fol-  
25   lowing new sections:



1 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
2 **PROPERTY.**

3 “(a) NOTIFICATION AND CONSENT OF PROPERTY  
4 OWNERS REQUIRED.—No privately owned property shall  
5 be preserved, conserved, or promoted by the management  
6 plan for the corridor until the owner of that private prop-  
7 erty has been notified in writing by the Association and  
8 has given written consent for such preservation, conserva-  
9 tion, or promotion to the Association.

10 “(b) LANDOWNER WITHDRAW.—Any owner of pri-  
11 vate property included within the boundary of the corridor,  
12 and not notified under subsection (a), shall have their  
13 property immediately removed from the boundary of the  
14 corridor by submitting a written request to the Associa-  
15 tion.

16 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

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

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

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

25 “(b) LIABILITY.—Designation of the corridor shall  
26 not be considered to create any liability, or to have any

1 effect on any liability under any other law, of any private  
 2 property owner with respect to any persons injured on  
 3 such private property.

4 “(c) RECOGNITION OF AUTHORITY TO CONTROL  
 5 LAND USE.—Nothing in this title shall be construed to  
 6 modify the authority of Federal, State, or local govern-  
 7 ments to regulate land use.

8 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-  
 9 ERS IN CORRIDOR.—Nothing in this title shall be con-  
 10 strued to require the owner of any private property located  
 11 within the boundaries of the corridor to participate in or  
 12 be associated with the corridor.

13 “(e) EFFECT OF ESTABLISHMENT.—The boundaries  
 14 designated for the corridor represent the area within  
 15 which Federal funds appropriated for the purpose of this  
 16 title may be expended. The establishment of the corridor  
 17 and its boundaries shall not be construed to provide any  
 18 nonexistent regulatory authority on land use within the  
 19 corridor or its viewshed by the Secretary, the National  
 20 Park Service, or the Association.”.

21 **SEC. 504. TECHNICAL AMENDMENTS.**

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

24 (1) by striking subsection (b); and

25 (2) in subsection (a)—

1 (A) by striking “(a)” and all that follows  
 2 through “For each” and inserting “(a) For  
 3 each”;

4 (B) by striking “Commission” and insert-  
 5 ing “Association”;

6 (C) by striking “Commission’s” and insert-  
 7 ing “Association’s”;

8 (D) by redesignating paragraph (2) as sub-  
 9 section (b); and

10 (E) by redesignating subparagraphs (A)  
 11 and (B) as paragraphs (1) and (2), respectively.

## 12 **TITLE VI—OIL REGION** 13 **NATIONAL HERITAGE AREA**

### 14 **SEC. 601. SHORT TITLE; DEFINITIONS.**

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

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

19 (1) HERITAGE AREA.—The term “Heritage  
 20 Area” means the Oil Region National Heritage Area  
 21 established in section 603(a).

22 (2) MANAGEMENT ENTITY.—The term “man-  
 23 agement entity” means the Oil Heritage Region,  
 24 Inc., or its successor entity.

1           (3) SECRETARY.—The term “Secretary” means  
2       the Secretary of the Interior.

3   **SEC. 602. FINDINGS AND PURPOSE.**

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

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

12          (2) The single event of Colonel Edwin Drake’s  
13      drilling of the world’s first successful oil well in  
14      1859 has affected the industrial, natural, social, and  
15      political structures of the modern world.

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

20          (4) The Allegheny River, which was designated  
21      as a component of the national wild and scenic riv-  
22      ers system in 1992 by Public Law 102–271, tra-  
23      verses the Oil Region and connects several of its  
24      major sites, as do some of the river’s tributaries  
25      such as Oil Creek, French Creek, and Sandy Creek.

1           (5) The unspoiled rural character of the Oil Re-  
2           gion provides many natural and recreational re-  
3           sources, scenic vistas, and excellent water quality for  
4           people throughout the United States to enjoy.

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

10          (7) The Oil Region also represents a cross sec-  
11          tion of American history associated with Native  
12          Americans, frontier settlements, the French and In-  
13          dian War, African Americans and the Underground  
14          Railroad, and immigration of Swedish and Polish in-  
15          dividuals, among others.

16          (8) Involvement by the Federal Government  
17          shall serve to enhance the efforts of the Common-  
18          wealth of Pennsylvania, local subdivisions of the  
19          Commonwealth of Pennsylvania, volunteer organiza-  
20          tions, and private businesses, to promote the cul-  
21          tural, national, and recreational resources of the re-  
22          gion in order to fulfill their full potential.

23          (b) PURPOSE.—The purpose of this title is to en-  
24          hance a cooperative management framework to assist the  
25          Commonwealth of Pennsylvania, its units of local govern-

1 ment, and area citizens in conserving, enhancing, and in-  
2 terpreting the significant features of the lands, water, and  
3 structures of the Oil Region, in a manner consistent with  
4 compatible economic development for the benefit and in-  
5 spiration of present and future generations in the Com-  
6 monwealth of Pennsylvania and the United States.

7 **SEC. 603. OIL REGION NATIONAL HERITAGE AREA.**

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

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

19 (c) MANAGEMENT ENTITY.—The management entity  
20 for the Heritage Area shall be the Oil Heritage Region,  
21 Inc., the locally based private, nonprofit management cor-  
22 poration which shall oversee the development of a manage-  
23 ment plan in accordance with section 605(b).

1 **SEC. 604. COMPACT.**

2 To carry out the purposes of this title, the Secretary  
3 shall enter into a compact with the management entity.  
4 The compact shall include information relating to the ob-  
5 jectives and management of the area, including a discus-  
6 sion of the goals and objectives of the Heritage Area, in-  
7 cluding an explanation of the proposed approach to con-  
8 servation and interpretation and a general outline of the  
9 protection measures committed to by the Secretary and  
10 management entity.

11 **SEC. 605. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**  
12 **TITY.**

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

- 18 (1) making grants to, and entering into cooper-  
19 ative agreements with, States and their political sub-  
20 divisions, private organizations, or any other person;  
21 (2) hiring and compensating staff; and  
22 (3) undertaking initiatives that advance the  
23 purposes of the Heritage Area.

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

1           (1) presents comprehensive strategies and rec-  
2           ommendations for conservation, funding, manage-  
3           ment, and development of the Heritage Area;

4           (2) takes into consideration existing State,  
5           county, and local plans and involves residents, public  
6           agencies, and private organizations working in the  
7           Heritage Area;

8           (3) includes a description of actions that units  
9           of government and private organizations have agreed  
10          to take to protect the resources of the Heritage  
11          Area;

12          (4) specifies the existing and potential sources  
13          of funding to protect, manage, and develop the Her-  
14          itage Area;

15          (5) includes an inventory of the resources con-  
16          tained in the Heritage Area, including a list of any  
17          property in the Heritage Area that is related to the  
18          themes of the Heritage Area and that should be pre-  
19          served, restored, managed, developed, or maintained  
20          because of its natural, cultural, historic, recreational,  
21          or scenic significance;

22          (6) describes a program for implementation of  
23          the management plan by the management entity, in-  
24          cluding plans for restoration and construction, and  
25          specific commitments for that implementation that



1 have been made by the management entity and any  
2 other persons for the first 5 years of implementa-  
3 tion;

4 (7) lists any revisions to the boundaries of the  
5 Heritage Area proposed by the management entity  
6 and requested by the affected local government; and

7 (8) includes an interpretation plan for the Her-  
8 itage Area.

9 (c) DEADLINE; TERMINATION OF FUNDING.—

10 (1) DEADLINE.—The management entity shall  
11 submit the management plan to the Secretary within  
12 2 years after the funds are made available for this  
13 title.

14 (2) TERMINATION OF FUNDING.—If a manage-  
15 ment plan is not submitted to the Secretary in ac-  
16 cordance with this subsection, the management enti-  
17 ty shall not qualify for Federal assistance under this  
18 title.

19 (d) DUTIES OF MANAGEMENT ENTITY.—The man-  
20 agement entity shall—

21 (1) give priority to implementing actions set  
22 forth in the compact and management plan;

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

1 (A) establishing and maintaining interpre-  
2 tive exhibits in the Heritage Area;

3 (B) developing recreational resources in  
4 the Heritage Area;

5 (C) increasing public awareness of and ap-  
6 preciation for the natural, historical, and archi-  
7 tectural resources and sites in the Heritage  
8 Area;

9 (D) the restoration of any historic building  
10 relating to the themes of the Heritage Area;

11 (E) ensuring that clear signs identifying  
12 access points and sites of interest are put in  
13 place throughout the Heritage Area; and

14 (F) carrying out other actions that the  
15 management entity determines to be advisable  
16 to fulfill the purposes of this title;

17 (3) encourage by appropriate means economic  
18 viability in the Heritage Area consistent with the  
19 goals of the management plan;

20 (4) consider the interests of diverse govern-  
21 mental, business, and nonprofit groups within the  
22 Heritage Area; and

23 (5) for any year in which Federal funds have  
24 been provided to implement the management plan  
25 under subsection (b)—

1 (A) conduct public meetings at least annu-  
2 ally regarding the implementation of the man-  
3 agement plan;

4 (B) submit an annual report to the Sec-  
5 retary setting forth accomplishments, expenses  
6 and income, and each person to which any  
7 grant was made by the management entity in  
8 the year for which the report is made; and

9 (C) require, for all agreements entered into  
10 by the management entity authorizing expendi-  
11 ture of Federal funds by any other person, that  
12 the person making the expenditure make avail-  
13 able to the management entity for audit all  
14 records pertaining to the expenditure of such  
15 funds.

16 (e) PROHIBITION ON THE ACQUISITION OF REAL  
17 PROPERTY.—The management entity may not use Fed-  
18 eral funds received under this title to acquire real property  
19 or an interest in real property.

20 **SEC. 606. DUTIES AND AUTHORITIES OF THE SECRETARY.**

21 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

22 (1) IN GENERAL.—

23 (A) OVERALL ASSISTANCE.—The Secretary  
24 may, upon the request of the management enti-  
25 ty, and subject to the availability of appropria-

1           tions, provide technical and financial assistance  
2           to the management entity to carry out its du-  
3           ties under this title, including updating and im-  
4           plementing a management plan that is sub-  
5           mitted under section 605(b) and approved by  
6           the Secretary and, prior to such approval, pro-  
7           viding assistance for initiatives.

8                   (B) OTHER ASSISTANCE.—If the Secretary  
9           has the resources available to provide technical  
10          assistance to the management entity to carry  
11          out its duties under this title (including updat-  
12          ing and implementing a management plan that  
13          is submitted under section 605(b) and approved  
14          by the Secretary and, prior to such approval,  
15          providing assistance for initiatives), upon the  
16          request of the management entity the Secretary  
17          shall provide such assistance on a reimbursable  
18          basis. This subparagraph does not preclude the  
19          Secretary from providing nonreimbursable as-  
20          sistance under subparagraph (A).

21               (2) PRIORITY.—In assisting the management  
22          entity, the Secretary shall give priority to actions  
23          that assist in the—

24                   (A) implementation of the management  
25          plan;

1 (B) provision of educational assistance and  
2 advice regarding land and water management  
3 techniques to conserve the significant natural  
4 resources of the region;

5 (C) development and application of tech-  
6 niques promoting the preservation of cultural  
7 and historic properties;

8 (D) preservation, restoration, and reuse of  
9 publicly and privately owned historic buildings;

10 (E) design and fabrication of a wide range  
11 of interpretive materials based on the manage-  
12 ment plan, including guide brochures, visitor  
13 displays, audio-visual and interactive exhibits,  
14 and educational curriculum materials for public  
15 education; and

16 (F) implementation of initiatives prior to  
17 approval of the management plan.

18 (3) DOCUMENTATION OF STRUCTURES.—The  
19 Secretary, acting through the Historic American  
20 Building Survey and the Historic American Engi-  
21 neering Record, shall conduct studies necessary to  
22 document the industrial, engineering, building, and  
23 architectural history of the Heritage Area.

24 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT  
25 PLANS.—The Secretary, in consultation with the Governor

1 of Pennsylvania, shall approve or disapprove a manage-  
2 ment plan submitted under this title not later than 90  
3 days after receiving such plan. In approving the plan, the  
4 Secretary shall take into consideration the following cri-  
5 teria:

6 (1) The extent to which the management plan  
7 adequately preserves and protects the natural, cul-  
8 tural, and historical resources of the Heritage Area.

9 (2) The level of public participation in the de-  
10 velopment of the management plan.

11 (3) The extent to which the board of directors  
12 of the management entity is representative of the  
13 local government and a wide range of interested or-  
14 ganizations and citizens.

15 (c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-  
16 retary disapproves a management plan, the Secretary shall  
17 advise the management entity in writing of the reasons  
18 for the disapproval and shall make recommendations for  
19 revisions in the management plan. The Secretary shall ap-  
20 prove or disapprove a proposed revision within 90 days  
21 after the date it is submitted.

22 (d) APPROVING CHANGES.—The Secretary shall re-  
23 view and approve amendments to the management plan  
24 under section 605(b) that make substantial changes.  
25 Funds appropriated under this title may not be expended

1 to implement such changes until the Secretary approves  
2 the amendments.

3 (e) EFFECT OF INACTION.—If the Secretary does not  
4 approve or disapprove a management plan, revision, or  
5 change within 90 days after it is submitted to the Sec-  
6 retary, then such management plan, revision, or change  
7 shall be deemed to have been approved by the Secretary.

8 **SEC. 607. DUTIES OF OTHER FEDERAL ENTITIES.**

9 Any Federal entity conducting or supporting activi-  
10 ties directly affecting the Heritage Area shall—

11 (1) consult with the Secretary and the manage-  
12 ment entity with respect to such activities;

13 (2) cooperate with the Secretary and the man-  
14 agement entity in carrying out their duties under  
15 this title and, to the maximum extent practicable,  
16 coordinate such activities with the carrying out of  
17 such duties; and

18 (3) to the maximum extent practicable, conduct  
19 or support such activities in a manner that the man-  
20 agement entity determines shall not have an adverse  
21 effect on the Heritage Area.

22 **SEC. 608. SUNSET.**

23 The Secretary may not make any grant or provide  
24 any assistance under this title after the expiration of the

1 15-year period beginning on the date that funds are first  
2 made available for this title.

3 **SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
4 **PROPERTY.**

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

12 (b) LANDOWNER WITHDRAW.—Any owner of private  
13 property included within the boundary of the Heritage  
14 Area shall have their property immediately removed from  
15 the boundary by submitting a written request to the man-  
16 agement entity.

17 **SEC. 610. PRIVATE PROPERTY PROTECTION.**

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

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

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



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

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

10 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
11 IN HERITAGE AREA.—Nothing in this title shall be con-  
12 strued to require the owner of any private property located  
13 within the boundaries of the Heritage Area to participate  
14 in or be associated with the Heritage Area.

15 (e) EFFECT OF ESTABLISHMENT.—The boundaries  
16 designated for the Heritage Area represent the area within  
17 which Federal funds appropriated for the purpose of this  
18 title may be expended. The establishment of the Heritage  
19 Area and its boundaries shall not be construed to provide  
20 any nonexistent regulatory authority on land use within  
21 the Heritage Area or its viewshed by the Secretary, the  
22 National Park Service, or the management entity.

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

24 Nothing in this title shall preclude the management  
25 entity from using Federal funds available under Acts other

1 than this title for the purposes for which those funds were  
2 authorized.

3 **SEC. 612. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to carry out this title—

6 (1) not more than \$1,000,000 for any fiscal  
7 year; and

8 (2) not more than a total of \$10,000,000.

9 (b) 50 PERCENT MATCH.—Financial assistance pro-  
10 vided under this title may not be used to pay more than  
11 50 percent of the total cost of any activity carried out with  
12 that assistance.

Passed the House of Representatives July 19, 2004.

Attest:

JEFF TRANDAHL,

*Clerk.*



Calendar No. 658

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4492**

**AN ACT**

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.

JULY 21, 2004

Read the second time and placed on the calendar