

108TH CONGRESS
2D SESSION

S. 2224

To establish the Bleeding Kansas and the Enduring Struggle for Freedom
National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2004

Mr. BROWNBACK (for himself and Mr. ROBERTS) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Bleeding Kansas and the Enduring Struggle
for Freedom National Heritage Area, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bleeding Kansas Na-
5 tional Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

8 (1) The Bleeding Kansas National Heritage
9 Area is a cohesive assemblage of natural, historic,
10 cultural, and recreational resources that—

1 (A) together represent distinctive aspects
2 of American heritage worthy of recognition,
3 conservation, interpretation, and continuing
4 use;

5 (B) are best managed through partner-
6 ships between private and public entities; and

7 (C) will build upon the Kansas rural devel-
8 opment policy and the new homestead act to
9 recognize inherent strengths of small towns and
10 rural communities—close-knit communities,
11 strong local business networks, and a tradition
12 of entrepreneurial creativity.

13 (2) The Bleeding Kansas National Heritage
14 Area reflects traditions, customs, beliefs, folk life, or
15 some combination thereof, that are a valuable part
16 of the heritage of the United States.

17 (3) The Bleeding Kansas National Heritage
18 Area provides outstanding opportunities to conserve
19 natural, cultural, or historic features, or some com-
20 bination thereof.

21 (4) The Bleeding Kansas National Heritage
22 Area provides outstanding recreational and interpre-
23 tive opportunities.

24 (5) The Bleeding Kansas National Heritage
25 Area has an identifiable theme, and resources impor-

1 tant to the theme retain integrity capable of sup-
2 porting interpretation.

3 (6) Residents, nonprofit organizations, other
4 private entities, and units of local government
5 throughout the Bleeding Kansas National Heritage
6 Area demonstrate support for designation of the
7 Bleeding Kansas National Heritage Area as a na-
8 tional heritage area and for management of the
9 Bleeding Kansas National Heritage Area as appro-
10 prium for such designation.

11 (7) Capturing these interconnected stories
12 through partnerships with National Park Service
13 sites, Kansas State Historical Society sites, local or-
14 ganizations, and citizens will augment the story op-
15 portunities within the prospective boundary for the
16 educational and recreational benefit of this and fu-
17 ture generations of Americans.

18 (8) Communities throughout this region know
19 the value of their Bleeding Kansas legacy, but re-
20 quire expansion of the existing cooperative frame-
21 work to achieve key preservation, education, and
22 other significant goals by working more closely to-
23 gether.

24 (9) The State of Kansas officially recognized
25 the national significance of the Bleeding Kansas

1 story when it designated the heritage area develop-
2 ment as a significant strategic goal within the state-
3 wide economic development plan.

4 (10) Territorial Kansas Heritage Alliance is a
5 nonprofit corporation created for the purposes of
6 preserving, interpreting, developing, promoting and,
7 making available to the public the story and re-
8 sources related to the story of Bleeding Kansas and
9 the Enduring Struggle for Freedom.

10 (11) Territorial Kansas Heritage Alliance has
11 completed a study that—

12 (A) describes in detail the role, operation,
13 financing, and functions of Territorial Kansas
14 Heritage Alliance, the management entity; and

15 (B) provides adequate assurances that
16 Territorial Kansas Heritage Alliance, the man-
17 agement entity, is likely to have the financial
18 resources necessary to implement the manage-
19 ment plan for the Heritage Area, including re-
20 sources to meet matching requirement for
21 grants.

22 (12) There are at least 7 National Historic
23 Landmarks, 32 National Register properties, 3 Kan-
24 sas Register properties, and 7 properties listed on
25 the National Underground Railroad Network to

1 Freedom that contribute to the Heritage Area as
2 well as other significant properties that have not
3 been designated at this time.

4 (13) There is an interest in interpreting all
5 sides of the Bleeding Kansas story that requires fur-
6 ther work with several counties in Missouri inter-
7 ested in joining the area.

8 (14) In 2004, the State of Kansas is commemo-
9 rating the Sesquicentennial of the signing of the
10 Kansas-Nebraska Act, opening the territory to set-
11 tlement.

12 (b) PURPOSES.—The purposes of this Act are as fol-
13 lows:

14 (1) To designate a region in eastern Kansas
15 and western Missouri containing nationally impor-
16 tant natural, historic, and cultural resources and
17 recreational and educational opportunities that are
18 geographically assembled and thematically related as
19 areas that provide unique frameworks for under-
20 standing the great and diverse character of the
21 United States and the development of communities
22 and their surroundings as the Bleeding Kansas Na-
23 tional Heritage Area.

24 (2) To strengthen, complement, and support
25 the Fort Scott, Brown v. Board of Education,

1 Nicodemus and Tallgrass Prairie sites through the
2 interpretation and conservation of the associated liv-
3 ing landscapes outside of the boundaries of these
4 units of the National Park System.

5 (3) To describe the extent of Federal respon-
6 sibilities and duties in regard to the Heritage Area.

7 (4) To further collaboration and partnerships
8 among Federal, State, and local governments, non-
9 profit organizations, and the private sector, or com-
10 binations thereof, to conserve and manage the re-
11 sources and opportunities in the Heritage Area
12 through grants, technical assistance, training and
13 other means.

14 (5) To authorize Federal financial and technical
15 assistance to management entity to assist in the con-
16 servation and interpretation of the Heritage Area.

17 (6) To empower communities and organizations
18 in Kansas to preserve the special historic identity of
19 Bleeding Kansas and with it the identity of the Na-
20 tion.

21 (7) To provide for the management, preserva-
22 tion, protection, and interpretation of the natural,
23 historical, and cultural resources within the region
24 for the educational and inspirational benefit of cur-
25 rent and future generations.

1 (8) To provide greater community capacity
2 through inter-local cooperation.

3 (9) To provide a vehicle, particularly in the four
4 counties with high out-migration of population, to
5 recognize that self-reliance and resilience will be the
6 keys to their economic future.

7 (10) To build upon the Kansas rural develop-
8 ment policy, the Kansas agritourism initiative and
9 the new homestead act to recognize inherent
10 strengths of small towns and rural communities—
11 close-knit communities, strong local business net-
12 works, and a tradition of entrepreneurial creativity.

13 (11) To educate and cultivate among its citi-
14 zens, particularly its youth, the stories and cultural
15 resources of the region’s legacy that—

16 (A) reflect the popular phrase “Bleeding
17 Kansas” describing the conflict over slavery
18 that became nationally prominent in Kansas
19 just before and during the American Civil War;

20 (B) reflect the commitment of American
21 settlers who first fought and killed to uphold
22 their different and irreconcilable principles of
23 freedom and equality during the years of the
24 Kansas Conflict;

(C) reflect the struggle for freedom, experienced during the “Bleeding Kansas” era, that continues to be a vital and pressing issue associated with the real problem of democratic nation building; and

(D) recreate the physical environment revealing its impact on agriculture, transportation, trade and business, and social and cultural patterns in urban and rural settings.

(12) To interpret the effect of the era’s democratic ethos on the development of America’s distinctive political culture.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) **MANAGEMENT ENTITY.**—The term “management entity” means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the chief executive officer of the State of Kansas, that agrees to perform the duties of a local coordinating entity under this Act.

(2) **HERITAGE AREA.**—The term “Heritage Area” means the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area in eastern Kansas and western Missouri.

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

3 (4) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means the government of
5 a State, a political subdivision of a State, or an In-
6 dian tribe.

7 **SEC. 4. BLEEDING KANSAS AND THE ENDURING STRUGGLE**
8 **FOR FREEDOM NATIONAL HERITAGE AREA.**

9 (a) ESTABLISHMENT.—There is established in the
10 State of Kansas the Bleeding Kansas and the Enduring
11 Struggle for Freedom National Heritage Area.

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

14 (1) An area located in eastern Kansas and
15 western Missouri, consisting currently of Allen, An-
16 derson, Bourbon, Cherokee, Clay, Coffey, Crawford,
17 Douglas, Franklin, Geary, Johnson, Labette, Leav-
18 enworth, Linn, Miami, Neosho, Pottawatomie, Riley,
19 Shawnee, Wabaunsee, Wilson, Woodson, Wyandotte
20 Counties in Kansas and tentatively including addi-
21 tional counties in Kansas and western Missouri to be
22 included in the development of the management
23 plan.

1 (2) Contributing sites, buildings, and districts
2 within the area will be recommended by the manage-
3 ment plan.

4 (c) MAP.—Final boundary will be defined during the
5 management plan development. A map of the Heritage
6 Area shall be included in the management plan. The map
7 shall be on file in the appropriate offices of the National
8 Park Service, Department of the Interior.

9 (d) MANAGEMENT ENTITY.—The management entity
10 for the Heritage Area shall be Territorial Kansas Heritage
11 Alliance, a nonprofit organization established in the State
12 of Kansas, recognized by the Secretary, in consultation
13 with the chief executive officer of the State of Kansas, that
14 agrees to perform the duties of a local coordinating entity
15 under this Act.

16 **SEC. 5. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE**
17 **MANAGEMENT ENTITY.**

18 (a) AUTHORITIES.—The management entity may, for
19 purposes of preparing and implementing the management
20 plan, use funds made available under this Act to—

21 (1) prepare a management plan for the Herit-
22 age Area;

23 (2) prepare reports, studies, interpretive exhib-
24 its and programs, historic preservation projects, and

1 other activities recommended in the management
2 plan for the Heritage Area;

3 (3) pay for operational expenses of the manage-
4 ment entity incurred within the first 10 fiscal years
5 beginning after the date of the enactment of this Act
6 designating the Heritage Area;

7 (4) make grants or loans to entities defined in
8 the management plan;

9 (5) enter into cooperative agreements with the
10 State of Kansas, its political subdivisions, nonprofit
11 organizations, and other organizations;

12 (6) hire and compensate staff;

13 (7) obtain money from any source under any
14 program or law to be used for a regrant program re-
15 quiring the recipient of such money to make a con-
16 tribution in order to receive it;

17 (8) contract for goods and services; and

18 (9) offer a competitive grants program to con-
19 tributing partners requiring a dollar-for-dollar match
20 of Federal funds.

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, strategies, and standards set forth in

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

3 (A) encouraging economic viability in the
4 Heritage Area in accordance with the goals of
5 the management plan;

6 (B) establishing interpretive exhibits in the
7 Heritage Area;

8 (C) increasing public awareness of and ap-
9 preciation for the cultural, historical, and nat-
10 ural resources of the Heritage Area;

11 (D) supporting the restoration of historic
12 buildings that are—

13 (i) located in the Heritage Area; and

14 (ii) related to the themes of the Herit-
15 age Area;

16 (E) the conservation of contributing land-
17 scapes and natural resources; and

18 (F) the installation throughout the Herit-
19 age Area of signs identifying public access
20 points and sites of interest;

21 (2) prepare and implement the management
22 plan while considering the interests of diverse units
23 of government, businesses, private property owners,
24 and nonprofit groups within the Heritage Area;

1 (3) conduct public meetings in conjunction with
2 training and skill building workshops regarding the
3 development and implementation of the management
4 plan; and

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

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

9 (i) accomplishments of the manage-
10 ment entity;

11 (ii) expenses and income of the man-
12 agement entity;

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

15 (iv) an accounting of matching funds
16 obtained to meet grant guidelines;

17 (B) conduct an annual audit with a neutral
18 auditing firm and make available for audit by
19 Congress, the Secretary, and appropriate units
20 of government, all records pertaining to the ex-
21 penditure of the funds and any matching funds;
22 and

23 (C) require, for all agreements authorizing
24 expenditure of Federal funds by any entity,
25 that the receiving entity make available for

1 audit all records pertaining to the expenditure
2 of their funds.

3 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
4 ERTY.—The management entity shall not use Federal
5 funds received under this Act to acquire real property or
6 an interest in real property.

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

10 **SEC. 6. MANAGEMENT PLAN.**

11 (a) REQUIREMENTS.—The management entity shall:

12 (1) MANAGEMENT PLAN.—Not later than 3
13 years after the date funds are made available for
14 this purpose, prepare and submit a management
15 plan reviewed by participating units of local govern-
16 ment within the boundaries of the proposed Heritage
17 Area.

18 (2) COLLABORATION.—Collaborate with and
19 consider the interests of diverse units of government,
20 businesses, tourism officials, private property own-
21 ers, and nonprofit groups within the geographic area
22 of the Heritage Area in developing and imple-
23 menting such a management plan.

24 (3) PUBLIC INVOLVEMENT.—Ensure regular
25 public involvement, including public meetings at

1 least annually, regarding the implementation of the
2 management plan.

3 (b) CONTENTS OF MANAGEMENT PLAN.—The man-
4 agement plan prepared for the Heritage Area shall—

5 (1) present a comprehensive program for the
6 conservation, interpretation, funding, management,
7 and development of the Heritage Area, in a manner
8 consistent with the existing local, State, and Federal
9 land use laws and compatible economic viability of
10 the Heritage Area;

11 (2) establish criteria or standards to measure
12 what is selected for conservation, interpretation,
13 funding, management, and development;

14 (3) involve residents, public agencies, and pri-
15 vate organizations working in the Heritage Area;

16 (4) specify and coordinate, as of the date of the
17 management plan, existing and potential sources of
18 technical and financial assistance under this and
19 other Federal laws to protect, manage, and develop
20 the Heritage Area; and

21 (5) include—

22 (A) actions to be undertaken by units of
23 government and private organizations to pro-
24 tect, conserve, and interpret the resources of
25 the Heritage Area;

1 (B) an inventory of the resources con-
2 tained in the Heritage Area, including a list of
3 any property in the Heritage Area that is re-
4 lated to the themes of the Heritage Area and
5 that meets the establishing criteria (such as,
6 but not exclusive to, visitor readiness) to merit
7 preservation, restoration, management, develop-
8 ment, or maintenance because of its natural,
9 cultural, historical, or recreational significance;

10 (C) policies for resource management in-
11 cluding the development of intergovernmental
12 cooperative agreements, private sector agree-
13 ments, or any combination thereof, to protect
14 the historical, cultural, recreational, and natural
15 resources of the Heritage Area in a manner
16 consistent with supporting appropriate and
17 compatible economic viability;

18 (D) a program for implementation of the
19 management plan by the designated manage-
20 ment entity, in cooperation with its partners
21 and units of local government;

22 (E) evidence that relevant State, county,
23 and local plans applicable to the Heritage Area
24 have been taken into consideration;

1 (F) an analysis of ways in which local,
2 State, and Federal programs may best be co-
3 ordinated to promote the purposes of this Act;
4 and

5 (G) a business plan that—

6 (i) describes in detail the role, oper-
7 ation, financing, and functions of the man-
8 agement entity for each activity included in
9 the recommendations contained in the
10 management plan; and

11 (ii) provides, to the satisfaction of the
12 Secretary, adequate assurances that the
13 management entity is likely to have the fi-
14 nancial resources necessary to implement
15 the management plan for the Heritage
16 Area, including resources to meet matching
17 requirement for grants awarded under this
18 Act.

19 (c) PUBLIC NOTICE.—The management entity shall
20 place a notice of each of its public meetings in a newspaper
21 of general circulation in the Heritage Area and shall make
22 the minutes of the meeting available to the public.

23 (d) DISQUALIFICATION FROM FUNDING.—If a pro-
24 posed management plan is not submitted to the Secretary
25 within 4 years of the date of the enactment of this Act,

1 the management entity shall be ineligible to receive addi-
 2 tional funding under this title until the date on which the
 3 Secretary receives the proposed management plan.

4 (e) APPROVAL AND DISAPPROVAL OF MANAGEMENT
 5 PLAN.—The Secretary shall approve or disapprove the
 6 proposed management plan submitted under this title not
 7 later than 90 days after receiving such proposed manage-
 8 ment plan.

9 (f) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
 10 retary disapproves a proposed management plan, the Sec-
 11 retary shall advise the management entity in writing of
 12 the reasons for the disapproval and shall make rec-
 13 ommendations for revisions to the proposed management
 14 plan. The Secretary shall approve or disapprove a pro-
 15 posed revision within 90 days after the date it is sub-
 16 mitted.

17 (g) APPROVAL OF AMENDMENTS.—The Secretary
 18 shall review and approve substantial amendments to the
 19 management plan. Funds appropriated under this title
 20 may not be expended to implement any changes made by
 21 such amendment until the Secretary approves the amend-
 22 ment.

23 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
 24 **FEDERAL AGENCIES.**

25 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

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

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

8 (A) conserving the significant cultural, his-
9 toric, and natural resources of the Heritage
10 Area; and

11 (B) providing educational, interpretive, and
12 recreational opportunities consistent with the
13 purposes of the Heritage Area.

14 (3) SPENDING FOR NON-FEDERAL PROPERTY.—
15 The management entity may expend Federal funds
16 made available under this Act on non-Federal prop-
17 erty that—

18 (A) meets the criteria in the approved
19 management plan; or

20 (B) is listed or eligible for listing on the
21 National Register of Historic Places.

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

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

4 (1) consider the potential effect of the activity
 5 on the purposes of the Heritage Area and the man-
 6 agement plan;

7 (2) consult with the management entity regard-
 8 ing the activity; and

9 (3) to the maximum extent practicable, conduct
 10 or support the activity to avoid adverse effects on
 11 the Heritage Area.

12 (c) OTHER ASSISTANCE NOT AFFECTED.—This Act
 13 does not affect the authority of any Federal official to pro-
 14 vide technical or financial assistance under any other law.

15 (d) NOTIFICATION OF OTHER FEDERAL ACTIVI-
 16 TIES.—The head of each Federal agency shall provide to
 17 the Secretary and the management entity, to the extent
 18 practicable, advance notice of all activities that may have
 19 an impact on the Heritage Area.

20 **SEC. 8. PRIVATE PROPERTY PROTECTION.**

21 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
 22 this Act shall be construed to require any private property
 23 owner to permit public access (including Federal, State,
 24 or local government access) to such private property.
 25 Nothing in this Act shall be construed to modify any provi-

1 sion of Federal, State, or local law with regard to public
 2 access to or use of private lands.

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

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

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

17 (e) LAND USE REGULATION.—

18 (1) IN GENERAL.—The management entity
 19 shall provide assistance and encouragement to State
 20 and local governments, private organizations, and
 21 persons to protect and promote the resources and
 22 values of the Heritage Area.

23 (2) EFFECT.—Nothing in this Act—

1 (A) affects the authority of the State or
2 local governments to regulate under law any use
3 of land; or

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

6 (f) PRIVATE PROPERTY.—

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

10 (2) EFFECT.—Nothing in this Act—

11 (A) abridges the rights of any person with
12 regard to private property;

13 (B) affects the authority of the State or
14 local government regarding private property; or

15 (C) imposes any additional burden on any
16 property owner.

17 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE**
18 **PROPERTY.**

19 (a) NOTIFICATION AND CONSENT OF PROPERTY
20 OWNERS REQUIRED.—No privately owned property shall
21 be governed by the management plan for the Heritage
22 Area until the owner of that private property has been
23 notified in writing by the management entity and has
24 given written consent for such inclusion to the manage-
25 ment entity.

1 (b) LANDOWNER WITHDRAW.—Any owner of private
 2 property included within the boundary of the Heritage
 3 Area, and not notified under subsection (a), shall have
 4 their property immediately removed from the boundary by
 5 submitting a written request to the management entity.

6 **SEC. 10. SAVINGS PROVISIONS.**

7 (a) RULES, REGULATIONS, STANDARDS, AND PER-
 8 MIT PROCESSES.—Nothing in this Act shall be construed
 9 to impose any environmental, occupational, safety, or
 10 other rule, regulation, standard, or permit process in the
 11 Heritage Area that is different from those that would be
 12 applicable if the Heritage Area had not been established.

13 (b) WATER AND WATER RIGHTS.—Nothing in this
 14 Act shall be construed to authorize or imply the reserva-
 15 tion or appropriation of water or water rights.

16 (c) NO DIMINISHMENT OF STATE AUTHORITY.—
 17 Nothing in this Act shall be construed to diminish the au-
 18 thority of the State to manage fish and wildlife, including
 19 the regulation of fishing and hunting within the Heritage
 20 Area.

21 (d) EXISTING NATIONAL HERITAGE AREAS.—Noth-
 22 ing in this Act shall affect any national heritage area so
 23 designated before the date of the enactment of this Act.

1 **SEC. 11. 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. 12. TERMINATION OF AUTHORITY.**

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

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