

109TH CONGRESS
2D SESSION

H. R. 5195

To establish the Journey Through Hallowed Ground National Heritage Area,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2006

Mr. WOLF (for himself, Mr. GOODE, Mrs. CAPITO, Mr. PLATTS, Mr. TOM DAVIS of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. SCOTT of Virginia, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Journey Through Hallowed Ground 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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Journey Through Hallowed Ground National Heritage
6 Area Act of 2006”.

7 (b) DEFINITIONS.—For the purposes of this Act, the
8 following definitions shall apply:

1 (1) HERITAGE AREA.—The terms “Heritage
2 Area” and “Area” mean the Journey Through Hal-
3 lowed Ground National Heritage Area established by
4 section 3.

5 (2) MANAGEMENT ENTITY.—The term “man-
6 agement entity” means The Journey Through Hal-
7 lowed Ground Partnership, a Virginia corporation
8 referred to in section 3(c), or its successor entity.

9 (3) MANAGEMENT PLAN.—The term “manage-
10 ment plan” means the management plan for the
11 Heritage Area specified in section 5(b).

12 (4) PARTNER.—The term “partner” means—

13 (A) a Federal, State, or local governmental
14 entity; and

15 (B) an organization, private industry, or
16 individual involved in promoting the conserva-
17 tion and preservation of the historical, cultural
18 and recreational resources of the Heritage Area.

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

21 **SEC. 2. FINDINGS AND PURPOSE.**

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

23 (1) Numerous sites of significant American her-
24 itage are situated in the Journey Through Hallowed
25 Ground National Heritage Area, from Gettysburg, in

1 the Commonwealth of Pennsylvania, along the Route
2 15 corridor in Maryland, looping to Harpers Ferry,
3 West Virginia, back to the Route 15/20 corridor
4 area to Monticello in Albemarle County in the Com-
5 monwealth of Virginia.

6 (2) Included among the numerous historically
7 significant sites, structures, battlefields, and districts
8 are 8 homes of former United States Presidents, the
9 largest concentration of Civil War battlefields in the
10 country, the greatest concentration of rural historic
11 districts in the country, 13 National Historic Land-
12 marks, 2 World Heritage Sites, 15 Main Street
13 Communities, 13 National Park Units, and 47 His-
14 toric Districts, and the largest concentration of
15 Rural Historic Districts in the country, which are
16 collectively and individually of national significance
17 in the early history of our Nation.

18 (3) In 1996, a collaborative public-private part-
19 nership effort, including the National Trust for His-
20 toric Preservation, the National Park Service, Scenic
21 America, private citizens, and a 4 State coalition of
22 local and regional governmental and private sector
23 organizations began work to assess historic sites
24 along the Route 15 Area. The initiative issued a
25 comprehensive study of significant sites and struc-

1 tures (cataloguing over 7,000 buildings already on
2 the National Register of Historic Places) in the Her-
3 itage Area associated with Native American, African
4 American, European American, Colonial American,
5 Revolutionary, and Civil War history, and concluded
6 that the sites possess historical, cultural, and archi-
7 tectural value of national significance and retain a
8 high degree of historical integrity.

9 (4) The preservation and interpretation of the
10 sites within the Heritage Area will make a vital con-
11 tribution to the understanding of the development
12 and heritage of the United States of America for the
13 education and benefit of present and future genera-
14 tions.

15 (5) The Secretary of the Interior is responsible
16 for protecting the historical and cultural resources of
17 the United States.

18 (6) There are significant examples of those re-
19 sources within the Heritage Area that merit the in-
20 volvement of the Federal Government to develop
21 programs and projects, in cooperation with the man-
22 agement entity, local, and State governmental bod-
23 ies, to adequately conserve, support, protect and in-
24 terpret this heritage.

1 (7) Partnerships between Federal, State, and
2 local governments, the regional entities of such gov-
3 ernments, the private sector, and citizenry offer the
4 most effective opportunities for the enhancement
5 and management of the historical sites throughout
6 the 4 State Heritage Area to promote the cultural
7 and historical attractions of the area for visitors and
8 the local economy.

9 (8) The Journey Through Hallowed Ground
10 Partnership would be an appropriate management
11 entity for a heritage area established in this region.

12 (b) PURPOSE.—The purposes of the Journey
13 Through Hallowed Ground National Heritage Area are—

14 (1) to preserve, support, conserve, and interpret
15 the legacy of the American history created along the
16 Heritage Area;

17 (2) to promote heritage, cultural and rec-
18 reational tourism and to develop educational and
19 cultural programs for visitors and the general public;

20 (3) to recognize and interpret important events
21 and geographic locations representing key develop-
22 ments in the creation of America, including Native
23 American, Colonial American, European American,
24 and African American heritage;

1 (4) to recognize and interpret the effect of the
2 Civil War on the civilian population of the Heritage
3 Area during the war and post-war reconstruction pe-
4 riod; and

5 (5) to enhance a cooperative management
6 framework to assist the Commonwealth of Virginia,
7 the State of Maryland, the Commonwealth of Penn-
8 sylvania, the State of West Virginia, and their units
9 of local government, the private sector, and area citi-
10 zens in conserving, supporting, enhancing, and inter-
11 preting the significant historic, cultural and rec-
12 reational sites in the Heritage Area in a manner
13 consistent with compatible economic development for
14 the benefit and inspiration of present and future
15 generations.

16 **SEC. 3. JOURNEY THROUGH HALLOWED GROUND NA-**
17 **TIONAL HERITAGE AREA.**

18 (a) ESTABLISHMENT.—There is hereby established
19 the Journey Through Hallowed Ground National Heritage
20 Area.

21 (b) BOUNDARIES.—

22 (1) IN GENERAL.—The Heritage Area shall
23 consist of the 175-miles of historic transportation
24 routes generally following the Route 15 Area and
25 surroundings from Adams County, Pennsylvania

1 through Frederick County, Maryland, looping
2 through Brunswick, Maryland to Harper's Ferry,
3 West Virginia, back through Route 9 in Loudoun
4 County to the Route 15 corridor encompassing
5 Loudoun, Prince William, Fauquier, Culpepper, and
6 Orange Counties in the Commonwealth of Virginia,
7 and generally following the Route 20/231/22 area
8 through Albemarle County in the Commonwealth of
9 Virginia. The boundaries of the Heritage Area shall
10 include all of those lands and interests as generally
11 depicted on a map entitled "The Journey Through
12 Hallowed Ground," numbered SHVA/80,000 and
13 dated February 2006.

14 (2) MAP.—The map referred to in paragraph
15 (1) shall be on file in the appropriate offices of the
16 National Park Service.

17 (3) PUBLICATION.—The Secretary of the Inte-
18 rior shall publish in the Federal Register, as soon as
19 practical after the date of the enactment of this Act,
20 a detailed description and map of the boundaries es-
21 tablished under this subsection.

22 (c) MANAGEMENT ENTITY.—The management entity
23 for the Heritage Area shall be The Journey Through Hal-
24 lowed Ground Partnership, a Virginia corporation, the
25 Board of Directors of which shall include representatives

1 from a broad cross-section of the individuals, agencies, or-
2 ganizations, States, and governments that were involved
3 in the planning and development of the Heritage Area be-
4 fore the date of enactment of this Act and which shall
5 oversee the development of a management plan in accord-
6 ance with section 5(b).

7 **SEC. 4. COMPACT.**

8 To carry out the purposes of this Act, the Secretary
9 shall enter into a compact with the management entity.
10 The compact shall include information relating to the ob-
11 jectives and management of the Heritage Area, including
12 each of the following:

13 (1) A delineation of the boundaries of the Her-
14 itage Area.

15 (2) A discussion of the goals and objectives of
16 the Heritage Area.

17 (3) An explanation of the proposed approach to
18 conservation and interpretation of the Heritage
19 Area.

20 (4) A general outline of the measures to which
21 the management entity and partners commit.

22 **SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-**
23 **TY.**

24 (a) **AUTHORITIES OF THE MANAGEMENT ENTITY.—**

1 (1) AUTHORITY TO ACCEPT FUNDS.—The man-
2 agement entity may accept funds from any Federal
3 source and from States and their political subdivi-
4 sions, private organizations, non-profit organiza-
5 tions, or any other person to carry out its authori-
6 ties and duties under this Act.

7 (2) USE OF FUNDS.—The management entity
8 may use funds made available under this Act for
9 purposes of preparing, updating, and implementing
10 the management plan developed under subsection
11 (b). Such purposes may include the following:

12 (A) Making grants to, and entering into
13 cooperative agreements with, States and their
14 political subdivisions, private organizations,
15 non-profit organizations or any other person.

16 (B) Hiring and compensating staff.

17 (C) Entering into contracts for goods and
18 services.

19 (D) Acquisition of lands or interests in
20 lands by gift, devise, or by purchase from a
21 willing seller using donated or appropriated
22 funds. No lands or interests in lands may be ac-
23 quired by condemnation.

24 (E) Undertaking any other initiatives that
25 advance the purposes of the Heritage Area.

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

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

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

11 (3) includes a description of actions that units
12 of government and private organizations have agreed
13 to undertake to protect the resources of the Heritage
14 Area;

15 (4) specifies the existing and potential sources
16 of funding to protect, support, manage, and develop
17 the Heritage Area;

18 (5) includes an inventory of the property and
19 resources in the Heritage Area that should be pre-
20 served, restored, supported, managed, developed,
21 maintained, or acquired because of its national his-
22 toric significance;

23 (6) lists any revisions to the boundaries of the
24 Heritage Area proposed by the management entity
25 and requested by affected local governments;

1 (7) includes an analysis of ways in which local,
2 State, and Federal programs may be best coordi-
3 nated to promote the purposes of this Act; including
4 recommendations to the Commonwealth of Virginia,
5 the States of Maryland and West Virginia, and the
6 Commonwealth of Pennsylvania (and political sub-
7 divisions thereof) for the management, protection,
8 support, and interpretation of the natural, cultural,
9 and historical resources of the Area;

10 (8) identifies appropriate partnerships between
11 the Federal, State, and local governments and re-
12 gional entities, and the private sector, in furtherance
13 of the purposes of the Act;

14 (9) includes locations for visitor contact and
15 major interpretive facilities;

16 (10) includes provisions for appropriate living
17 history demonstrations and battlefield reenactments;

18 (11) includes provisions for implementing a
19 continuing program interpretation and visitor edu-
20 cation concerning the resources and values of the
21 Area;

22 (12) includes provisions for a uniform historical
23 marker and wayside exhibit program in the Area, in-
24 cluding a provision for marking, with the consent of
25 the owner, historic structures and properties that

1 are contained within the historic core areas and con-
2 tribute to the understanding of the Area;

3 (13) includes provisions for the protection and
4 interpretation of the natural, cultural, and historic
5 resources of the Heritage Area consistent with this
6 Act; and

7 (14) includes provisions for the development of
8 educational outreach programs for students of all
9 ages to further the understanding of the vast re-
10 sources within the Heritage Area.

11 (c) DEADLINE; TERMINATION OF FUNDING.—

12 (1) DEADLINE.—The management entity shall
13 submit the management plan to the Secretary not
14 later than 2 years after the funds are made available
15 for this Act. Prior to submitting the draft plan to
16 the Secretary, the management entity shall ensure
17 that—

18 (A) the Commonwealth of Virginia, the
19 States of Maryland and West Virginia, the
20 Commonwealth of Pennsylvania, and any polit-
21 ical subdivision thereof that would be affected
22 by the plan, receives a copy of the draft plan;

23 (B) adequate notice of availability of the
24 draft plan is provided through publication in

1 appropriate local newspapers in the area of the
2 Heritage Area; and

3 (C) at least one public hearing conducted
4 by the management entity in each State at a lo-
5 cation within the Heritage Area to review and
6 receive comments on the draft plan.

7 (2) TERMINATION OF FUNDING.—If a manage-
8 ment plan is not submitted to the Secretary in ac-
9 cordance with this subsection, the Secretary shall
10 not, after that date, provide any grant or other as-
11 sistance under this Act with respect to the Heritage
12 Area until a management plan for the Heritage Area
13 is submitted to the Secretary.

14 (d) DUTIES OF MANAGEMENT ENTITY.—The man-
15 agement entity shall—

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

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

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

23 (B) developing historical and cultural re-
24 sources and educational programs in the Herit-
25 age Area;

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

5 (D) the restoration of any historic building
6 relating to the themes of the Heritage Area;

7 (E) ensuring that clear signs identifying
8 access points and sites of interest are put in
9 place throughout the Heritage Area; and

10 (F) carrying out other actions that the
11 management entity determines to be advisable
12 to fulfill the purposes of this Act;

13 (3) encourage by appropriate means economic
14 viability in the Heritage Area consistent with the
15 goals of the management plan;

16 (4) consider the interests of diverse govern-
17 mental, business, and nonprofit groups within the
18 Heritage Area; and

19 (5) for any year in which Federal funds have
20 been provided to implement the management plan
21 under subsection (b)—

22 (A) conduct public meetings at least annu-
23 ally regarding the implementation of the man-
24 agement plan;

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

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

13 (e) PROHIBITION ON THE ACQUISITION OF REAL
14 PROPERTY.—The management entity may not use Fed-
15 eral funds received under this Act to acquire real property
16 or any interest in real property.

17 **SEC. 6. DUTIES AND AUTHORITIES OF THE SECRETARY.**

18 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

19 (1) IN GENERAL.—

20 (A) OVERALL ASSISTANCE.—The Secretary
21 may, upon the request of the management enti-
22 ty, and subject to the availability of appropria-
23 tions, provide technical and financial assistance
24 to the management entity to carry out its du-
25 ties under this Act, including updating and im-

1 plementing a management plan that is sub-
2 mitted under section 5(b) and approved by the
3 Secretary and, prior to such approval, providing
4 assistance for initiatives.

5 (B) OTHER ASSISTANCE.—If the Secretary
6 has the resources available to provide technical
7 assistance to the management entity to carry
8 out its duties under this Act (including updat-
9 ing and implementing a management plan that
10 is submitted under section 5(b) and approved
11 by the Secretary and, prior to such approval,
12 providing assistance for initiatives), upon the
13 request of the management entity the Secretary
14 shall provide such assistance on a reimbursable
15 basis. This subparagraph does not preclude the
16 Secretary from providing nonreimbursable as-
17 sistance under subparagraph (A).

18 (2) PRIORITY.—In assisting the management
19 entity, the Secretary shall give priority to actions
20 that assist in the—

21 (A) implementation of the management
22 plan;

23 (B) provision of educational assistance and
24 advice regarding land use management to con-

1 serve the significant historic resources of the re-
2 gion;

3 (C) development and application of tech-
4 niques promoting the preservation of cultural,
5 recreational and historic properties;

6 (D) preservation, restoration, and reuse of
7 publicly and privately owned historic buildings;

8 (E) design and fabrication of a wide range
9 of interpretive materials based on the manage-
10 ment plan, including, among other things, guide
11 brochures, visitor displays, audio-visual, books,
12 interpretive dialogues, interactive exhibits, and
13 educational curriculum materials for public edu-
14 cation; and

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

17 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
18 PLANS.—The Secretary, in consultation with the Gov-
19 ernors of the Commonwealth of Virginia, the States of
20 Maryland and West Virginia, the Commonwealth of Penn-
21 sylvania, shall approve or disapprove a management plan
22 submitted under this Act not later than 90 days after re-
23 ceiving such plan. In approving the plan, the Secretary
24 shall take into consideration the following criteria:

1 (1) The extent to which the management plan,
2 when implemented, would adequately preserve, sup-
3 port and protect the significant historical, cultural
4 and recreational resources of the Heritage Area.

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

7 (3) The extent to which the board of directors
8 of the management entity is representative of the
9 local governments affected and a wide range of in-
10 terested organizations and citizens.

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

18 (d) APPROVING CHANGES.—The Secretary shall re-
19 view and approve amendments to the management plan
20 under subsection (b) that make substantial changes.
21 Funds appropriated under this Act may not be expended
22 to implement such changes until the Secretary approves
23 the amendments.

24 (e) EFFECT OF INACTION.—If the Secretary does not
25 approve or disapprove a management plan, revision, or

1 change within 90 days after it is submitted to the Sec-
2 retary, then such management plan, revision, or change
3 shall be deemed to have been approved by the Secretary.

4 **SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.**

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

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

9 (2) cooperate with the Secretary and the man-
10 agement entity in carrying out their duties under
11 this Act and, to the maximum extent practicable, co-
12 ordinate such activities with the carrying out of such
13 duties; and

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

18 **SEC. 8. SUNSET.**

19 The Secretary may not make any grant or provide
20 any assistance under this Act after the expiration of the
21 15-year period beginning on the date that funds are first
22 made available for this Act.

1 **SEC. 9. 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 under the manage-
6 ment plan for the Heritage Area until the owner of that
7 private property has been—

8 (1) notified in writing by the management enti-
9 ty; and

10 (2) given written consent for such preservation,
11 conservation, or promotion to the management enti-
12 ty.

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

18 (c) CHANGE OF OWNERSHIP.—If private property in-
19 cluded within the boundary of the Heritage Area has been
20 excluded from the Heritage Area or has not been pre-
21 served, conserved, or promoted under the management
22 plan for the Heritage Area because the owner has not
23 given or has withdrawn consent, upon change of ownership
24 of that private property, the management entity may re-
25 quest consent from the new owners.

1 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

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

4 (1) require any private property owner to allow
5 public access (including Federal, State, or local gov-
6 ernment access) to such private property; or

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

10 (b) LIABILITY.—Designation of the Heritage Area
11 shall not be considered to create any liability, or to have
12 any effect on any liability under any other law, of any pri-
13 vate property owner with respect to any persons injured
14 on such private property.

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

19 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
20 IN HERITAGE AREA.—Nothing in this Act shall be con-
21 strued to require the owner of any private property located
22 within the boundaries of the Heritage Area to participate
23 in or be associated with the Heritage Area.

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

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

6 **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

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

11 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to carry out this Act the following funds, which
14 shall remain available until expended:

15 (1) Not more than \$1,000,000 for any fiscal
16 year.

17 (2) Not more than a total of \$10,000,000.

18 (b) 50 PERCENT MATCH.—Financial assistance pro-
19 vided under this Act may not be used to pay more than
20 50 percent of the total cost of any activity carried out with
21 that assistance.

○