

109TH CONGRESS
1ST SESSION

S. 1898

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 20, 2005

Mr. KERRY (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. SUNUNU) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) FINDINGS.—Congress finds that—

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

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

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

6 (3) significant legacies of the area include—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

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

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

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

7 (4) MAP.—The term “Map” means the map en-
8 titled “Freedom’s Way National Heritage Area”,
9 numbered FRWAP-75/80,000, and dated July
10 2002.

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

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

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

17 (b) BOUNDARIES.—

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

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

23 (A) proposed in the management plan;

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

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

3 (c) MAP AND LEGAL DESCRIPTION.—

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

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

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

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

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

22 (b) REQUIREMENTS.—The management plan shall—
23 (1) take into consideration and coordinate Fed-
24 eral, State, and local plans to present a unified his-
25 toric preservation and interpretation plan;

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

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

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

10 (5) include—

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

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

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

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

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

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

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

3 (iii) support economic revitalization
4 efforts;

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

7 (i) identifies the role of the manage-
8 ment entity and the roles of agencies and
9 organizations that are involved in the im-
10 plementation of the management plan;

11 (ii) includes—

12 (I) restoration and construction
13 plans or goals;

14 (II) a program of public involve-
15 ment;

16 (III) annual work plans; and

17 (IV) annual reports;

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

21 (E) an interpretive and educational plan
22 for the Heritage Area;

23 (F) any revisions proposed by the manage-
24 ment entity to the boundaries of the Heritage

1 Area and requested by the affected local gov-
 2 ernment; and

3 (G) a process to provide public access to
 4 the management entity for the purpose of at-
 5 tempting to resolve informally any disputes
 6 arising from the management plan.

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

11 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
 12 PLAN.—

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

17 (2) CRITERIA.—In determining whether to ap-
 18 prove the management plan, the Secretary shall con-
 19 sider whether—

20 (A) the management entity afforded ade-
 21 quate opportunity, including public hearings,
 22 for public and governmental involvement in the
 23 preparation of the management plan;

24 (B) the resource protection and interpreta-
 25 tion strategies contained in the management

1 plan would adequately protect the cultural and
 2 historic resources of the Heritage Area; and

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

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

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

13 (B) make recommendations for revisions to
 14 the management plan; and

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

19 (e) AMENDMENTS.—

20 (1) IN GENERAL.—In accordance with sub-
 21 section (b), the Secretary shall approve or dis-
 22 approve each amendment to the management plan
 23 that the Secretary determines may make a substan-
 24 tial change to the management plan.

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

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

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

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

15 (2) hire and compensate staff;

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

18 (4) contract for goods and services.

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

22 (1) give priority to the implementation of ac-
23 tions, goals, and strategies set forth in the manage-
24 ment plan, including assisting units of government
25 and other persons in—

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

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

7 (C) establishing and maintaining interpre-
8 tive exhibits in the Heritage Area;

9 (D) developing recreational and edu-
10 cational opportunities in the Heritage Area;

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

14 (F) restoring historic buildings that are—

15 (i) located in the Heritage Area; and

16 (ii) relate to the themes of the Herit-
17 age Area; and

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

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

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

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

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

8 (i) the accomplishments of the man-
9 agement entity;

10 (ii) the expenses and income of the
11 management entity; and

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

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

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

23 (c) PROHIBITION ON THE ACQUISITION OF REAL
24 PROPERTY.—The management entity shall not use Fed-

1 eral funds made available under this Act to acquire real
 2 property or any interest in real property.

3 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
 4 **FEDERAL AGENCIES.**

5 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

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

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

13 (A) conserving the significant cultural, his-
 14 toric, and natural resources of the Heritage
 15 Area; and

16 (B) providing educational, interpretive, and
 17 recreational opportunities consistent with the
 18 purposes of the Heritage Area.

19 (3) SPENDING ON NON-FEDERAL PROPERTY.—
 20 The management entity may expend Federal funds
 21 made available under this Act on nonfederally owned
 22 property that is—

23 (A) identified in the management plan; or

24 (B) listed or eligible for listing on the Na-
 25 tional Register of Historic Places.

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

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

7 (1) consider the potential effect of the activity
8 on the purposes of the Heritage Area and the man-
9 agement plan;

10 (2) consult with the management entity regard-
11 ing the activity; and

12 (3) to the maximum extent practicable, conduct
13 or support the activity to avoid adverse effects on
14 the Heritage Area.

15 **SEC. 8. LAND USE REGULATION; APPLICABILITY OF FED-**
16 **ERAL LAW.**

17 (a) 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 (b) 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. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 **SEC. 10. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of enactment of this Act.

