

109TH CONGRESS
2D SESSION

S. 2645

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

IN THE SENATE OF THE UNITED STATES

APRIL 25, 2006

Mr. ALLEN (for himself and Mr. WARNER) introduced the following bill; which
was read twice and referred to the Committee on Energy and Natural
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:

9 (1) HERITAGE AREA.—The terms “Heritage
10 Area” and “Area” mean the Journey Through Hal-

1 lowed Ground National Heritage Area established by
2 section 3.

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

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

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

11 (A) a Federal, State, or local governmental
12 entity; and

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

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

19 **SEC. 2. FINDINGS AND PURPOSE.**

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

21 (1) Numerous sites of significant American her-
22 itage are situated in the Journey Through Hallowed
23 Ground National Heritage Area, from Gettysburg, in
24 the Commonwealth of Pennsylvania, along the Route
25 15 corridor in Maryland, looping to Harpers Ferry,

1 West Virginia, back to the Route 15/20 corridor
2 area to Monticello in Albemarle County in the Com-
3 monwealth of Virginia.

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

16 (3) In 1996, a collaborative public-private part-
17 nership effort, including the National Trust for His-
18 toric Preservation, the National Park Service, Scenic
19 America, private citizens, and a 4 State coalition of
20 local and regional governmental and private sector
21 organizations began work to assess historic sites
22 along the Route 15 Area. The initiative issued a
23 comprehensive study of significant sites and struc-
24 tures (cataloguing over 7,000 buildings already on
25 the National Register of Historic Places) in the Her-

itage Area associated with Native American, African American, European American, Colonial American, Revolutionary, and Civil War history, and concluded that the sites possess historical, cultural, and architectural value of national significance and retain a high degree of historical integrity.

(4) The preservation and interpretation of the sites within the Heritage Area will make a vital contribution to the understanding of the development and heritage of the United States of America for the education and benefit of present and future generations.

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

(6) There are significant examples of those resources within the Heritage Area that merit the involvement of the Federal Government to develop programs and projects, in cooperation with the management entity, local, and State governmental bodies, to adequately conserve, support, protect and interpret this heritage.

(7) Partnerships between Federal, State, and local governments, the regional entities of such governments, the private sector, and citizenry offer the

1 most effective opportunities for the enhancement
2 and management of the historical sites throughout
3 the 4 State Heritage Area to promote the cultural
4 and historical attractions of the area for visitors and
5 the local economy.

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

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

11 (1) to preserve, support, conserve, and interpret
12 the legacy of the American history created along the
13 Heritage Area;

14 (2) to promote heritage, cultural and rec-
15 reational tourism and to develop educational and
16 cultural programs for visitors and the general public;

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

22 (4) to recognize and interpret the effect of the
23 Civil War on the civilian population of the Heritage
24 Area during the war and post-war reconstruction pe-
25 riod; and

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

12 **SEC. 3. JOURNEY THROUGH HALLOWED GROUND NA-**
 13 **TIONAL HERITAGE AREA.**

14 (a) ESTABLISHMENT.—There is hereby established
 15 the Journey Through Hallowed Ground National Heritage
 16 Area.

17 (b) BOUNDARIES.—

18 (1) IN GENERAL.—The Heritage Area shall
 19 consist of the 175-miles of historic transportation
 20 routes generally following the Route 15 Area and
 21 surroundings from Adams County, Pennsylvania
 22 through Frederick County, Maryland, looping
 23 through Brunswick, Maryland to Harper’s Ferry,
 24 West Virginia, back through Route 9 in Loudoun
 25 County to the Route 15 corridor encompassing

1 Loudoun, Prince William, Fauquier, Culpepper, and
2 Orange Counties in the Commonwealth of Virginia,
3 and generally following the Route 20/231/22 area
4 through Albemarle County in the Commonwealth of
5 Virginia. The boundaries of the Heritage Area shall
6 include all of those lands and interests as generally
7 depicted on a map entitled “The Journey Through
8 Hallowed Ground”, numbered SHVA/80,000 and
9 dated February 2006.

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

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

18 (c) MANAGEMENT ENTITY.—The management entity
19 for the Heritage Area shall be The Journey Through Hal-
20 lowed Ground Partnership, a Virginia corporation, the
21 Board of Directors of which shall include representatives
22 from a broad cross-section of the individuals, agencies, or-
23 ganizations, States, and governments that were involved
24 in the planning and development of the Heritage Area be-
25 fore the date of enactment of this Act and which shall

1 oversee the development of a management plan in accord-
2 ance with section 5(b).

3 **SEC. 4. COMPACT.**

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

9 (1) A delineation of the boundaries of the Her-
10 itage Area.

11 (2) A discussion of the goals and objectives of
12 the Heritage Area.

13 (3) An explanation of the proposed approach to
14 conservation and interpretation of the Heritage
15 Area.

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

18 **SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-**
19 **TY.**

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

21 (1) **AUTHORITY TO ACCEPT FUNDS.—**The man-
22 agement entity may accept funds from any Federal
23 source and from States and their political subdivi-
24 sions, private organizations, non-profit organiza-

1 tions, or any other person to carry out its authori-
2 ties and duties under this Act.

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

8 (A) Making grants to, and entering into
9 cooperative agreements with, States and their
10 political subdivisions, private organizations,
11 non-profit organizations or any other person.

12 (B) Hiring and compensating staff.

13 (C) Entering into contracts for goods and
14 services.

15 (D) Acquisition of lands or interests in
16 lands by gift, devise, or by purchase from a
17 willing seller using donated or appropriated
18 funds. No lands or interests in lands may be ac-
19 quired by condemnation.

20 (E) Undertaking any other initiatives that
21 advance the purposes of the Heritage Area.

22 (b) MANAGEMENT PLAN.—The management entity
23 shall develop a management plan for the Heritage Area
24 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 undertake to protect the resources of the Heritage
11 Area;

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

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

20 (6) lists any revisions to the boundaries of the
21 Heritage Area proposed by the management entity
22 and requested by affected local governments;

23 (7) includes an analysis of ways in which local,
24 State, and Federal programs may be best coordi-
25 nated to promote the purposes of this Act; including

1 recommendations to the Commonwealth of Virginia,
2 the States of Maryland and West Virginia, and the
3 Commonwealth of Pennsylvania (and political sub-
4 divisions thereof) for the management, protection,
5 support, and interpretation of the natural, cultural,
6 and historical resources of the Area;

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

11 (9) includes locations for visitor contact and
12 major interpretive facilities;

13 (10) includes provisions for appropriate living
14 history demonstrations and battlefield reenactments;

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

19 (12) includes provisions for a uniform historical
20 marker and wayside exhibit program in the Area, in-
21 cluding a provision for marking, with the consent of
22 the owner, historic structures and properties that
23 are contained within the historic core areas and con-
24 tribute to the understanding of the Area;

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

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

9 (c) DEADLINE; TERMINATION OF FUNDING.—

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

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

21 (B) adequate notice of availability of the
22 draft plan is provided through publication in
23 appropriate local newspapers in the area of the
24 Heritage Area; and

1 (C) at least 1 public hearing conducted by
 2 the management entity in each State at a loca-
 3 tion within the Heritage Area to review and re-
 4 ceive comments on the draft plan.

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

12 (d) DUTIES OF MANAGEMENT ENTITY.—The man-
 13 agement entity shall—

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

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

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

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

24 (C) increasing public awareness of and ap-
 25 preciation for the natural, historical, and archi-

1 tectural resources and sites in the Heritage
2 Area;

3 (D) the restoration of any historic building
4 relating to the themes of the Heritage Area;

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

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

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

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

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

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

23 (B) submit an annual report to the Sec-
24 retary setting forth accomplishments, expenses
25 and income, and each person to which any

1 grant was made by the management entity in
2 the year for which the report is made; and

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

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

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

15 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

16 (1) IN GENERAL.—

17 (A) OVERALL ASSISTANCE.—The Secretary
18 may, upon the request of the management enti-
19 ty, and subject to the availability of appropria-
20 tions, provide technical and financial assistance
21 to the management entity to carry out its du-
22 ties under this Act, including updating and im-
23 plementing a management plan that is sub-
24 mitted under section 5(b) and approved by the

1 Secretary and, prior to such approval, providing
2 assistance for initiatives.

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

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

19 (A) implementation of the management
20 plan;

21 (B) provision of educational assistance and
22 advice regarding land use management to con-
23 serve the significant historic resources of the re-
24 gion;

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

4 (D) preservation, restoration, and reuse of
5 publicly and privately owned historic buildings;

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

13 (F) implementation of initiatives prior to
14 approval of the management plan.

15 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT

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

23 (1) The extent to which the management plan,
24 when implemented, would adequately preserve, sup-

1 port and protect the significant historical, cultural
2 and recreational resources of the Heritage Area.

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

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

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

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

22 (e) EFFECT OF INACTION.—If the Secretary does not
23 approve or disapprove a management plan, revision, or
24 change within 90 days after it is submitted to the Sec-

1 retary, then such management plan, revision, or change
 2 shall be deemed to have been approved by the Secretary.

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

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

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

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

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

17 **SEC. 8. SUNSET.**

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

22 **SEC. 9. REQUIREMENTS FOR INCLUSION OF PRIVATE**
 23 **PROPERTY.**

24 (a) NOTIFICATION AND CONSENT OF PROPERTY
 25 OWNERS REQUIRED.—No privately owned property shall

1 be preserved, conserved, or promoted under the manage-
 2 ment plan for the Heritage Area until the owner of that
 3 private property has been—

4 (1) notified in writing by the management enti-
 5 ty; and

6 (2) given written consent for such preservation,
 7 conservation, or promotion to the management enti-
 8 ty.

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

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

22 **SEC. 10. PRIVATE PROPERTY PROTECTION.**

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

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

4 (2) modify any provision of Federal, State, or
5 local law with regard to public access to or use of
6 private property.

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

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

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

21 (e) EFFECT OF ESTABLISHMENT.—The boundaries
22 designated for the Heritage Area represent the area within
23 which Federal funds appropriated for the purpose of this
24 Act may be expended. The establishment of the Heritage
25 Area and its boundaries shall not be construed to provide

1 any nonexisting regulatory authority on land use within
2 the Heritage Area or its viewshed by the Secretary, the
3 National Park Service, or the management entity.

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

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

9 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

13 (1) Not more than \$1,000,000 for any fiscal
14 year.

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

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

○