

103^D CONGRESS
2^D SESSION

S. 2509

To establish an American Heritage Areas Partnership Program in the
Department of the Interior.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Mr. MOYNIHAN introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To establish an American Heritage Areas Partnership
Program in the Department of the Interior.

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 “American Heritage
5 Areas Partnership Program Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Certain geographic areas of the United
9 States represent the diversity of the national char-
10 acter by reason of the interaction of natural proc-

1 esses, distinctive landscapes, cultural traditions, and
2 economic and social forces that have combined to
3 create a particular pattern of human settlement and
4 activity.

5 (2) Despite efforts that have been made by
6 States and political subdivisions of States as of the
7 date of enactment of this Act and Federal programs
8 in effect on such date, the natural, cultural, historic,
9 and scenic resources and recreational opportunities
10 in the areas referred to in paragraph (1) are often
11 at risk.

12 (3) The complexity and character of such areas
13 distinguish such areas and necessitate a distinctive
14 system of recognition, protection, and partnership
15 management.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are as follows:

18 (1) To recognize that the natural, cultural, his-
19 toric, and scenic resources and recreational opportu-
20 nities of the United States represent the diverse
21 character of the United States and are important to
22 the United States.

23 (2) To guard, preserve, and manage wisely the
24 resources and opportunities referred to in paragraph

1 (1) in order to ensure that the resources are passed
2 on to future generations.

3 (3) To recognize that the geographic assem-
4 blages of combinations of such resources and the-
5 matic relationships of such combinations form herit-
6 age areas which provide a unique framework for un-
7 derstanding the historical, cultural and natural de-
8 velopment of communities and surroundings.

9 (4) To preserve the assemblages described in
10 paragraph (3) that are worthy of national recogni-
11 tion, designation and assistance.

12 (5) To encourage the linkage of the resources
13 referred to in paragraph (1) within the areas re-
14 ferred to in paragraph (3) through the establishment
15 and maintenance of greenways, corridors, and trails.

16 (6) To encourage appropriate partnerships
17 among Federal agencies, the governments of States
18 and political subdivisions thereof, nonprofit organi-
19 zations, and the private sector (and any combination
20 thereof) to—

21 (A) preserve, conserve, and manage such
22 resources and opportunities;

23 (B) accommodate economic viability; and

1 (C) enhance the quality of life for the ex-
2 isting and subsequent generations of the people
3 of the United States.

4 (7) To authorize the provision of financial and
5 technical assistance by the Federal Government to
6 the governments of States and political subdivisions
7 of States, or private nonprofit organizations (or any
8 combination thereof) to study and promote the po-
9 tential for conserving and interpreting American
10 Heritage Areas.

11 (8) To prescribe the process by which, and the
12 standards according to which, prospective American
13 Heritage Areas may be assessed for eligibility and
14 included in a American Heritage Areas Partnership
15 Program.

16 **SEC. 4. DEFINITIONS.**

17 Unless the context specifically implies otherwise, as
18 used in this Act:

19 (1) AMERICAN HERITAGE AREA.—(A) The term
20 “American Heritage Area” means a place where nat-
21 ural, cultural, historic, or scenic resources, or a com-
22 bination thereof, combine to form a cohesive, nation-
23 ally distinctive landscape that has developed from
24 patterns of human activity shaped by geography.

1 (B) As a result of such patterns, American
2 Heritage Areas are collectively—

3 (i) representative of the national experi-
4 ence, as demonstrated through the physical fea-
5 tures that remain, and the traditions that have
6 evolved, in such areas; and

7 (ii) enhanced with respect to their signifi-
8 cance by the continued use (and adaptive reuse)
9 of such areas by people whose traditions have
10 assisted in shaping the nationally distinctive
11 landscapes of the areas.

12 (2) INDIAN TRIBE.—The term “Indian tribe”
13 means any Indian tribe, band, nation, pueblo, or
14 other organized group or community, including any
15 Alaska Native village or regional corporation as de-
16 fined in or established pursuant to the Alaska Na-
17 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
18 which is recognized as eligible for the special pro-
19 grams and services provided by the United States to
20 Indians because of their status as Indians.

21 (3) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (4) TECHNICAL ASSISTANCE.—The term “tech-
24 nical assistance” means any guidance, advice, or
25 other assistance (other than financial assistance).

1 as American Heritage Areas under a partnership
2 model.

3 (2) Evaluate areas and make recommendations
4 for the designation of areas as American Heritage
5 Areas under subsection (c).

6 (3) Advise the governments of States and politi-
7 cal subdivisions of States, nonprofit organizations,
8 or other appropriate entities (or any combination
9 thereof) concerning suitable methods of recognizing
10 and preserving thematically and geographically
11 linked natural, cultural, historic, and scenic re-
12 sources and recreational opportunities.

13 (4) Provide technical assistance and grants for
14 the following activities:

15 (A) The nomination of an area for inclu-
16 sion in the American Heritage Areas Partner-
17 ship Program.

18 (B) The development of a compact for an
19 area nominated for inclusion in the American
20 Heritage Areas Partnership Program.

21 (C) The development of a management
22 plan for an American Heritage Area designated
23 pursuant to this section.

1 (D) A capital project or improvement un-
2 dertaken pursuant to a management plan re-
3 ferred to in subparagraph (C).

4 (5) Consider any heritage area designated
5 under this or any other Act for nomination to the
6 World Heritage List if the Secretary determines that
7 such heritage area meets the qualifications for such
8 nomination.

9 (c) CRITERIA.—To be eligible for designation as an
10 American Heritage Area, a proposed area shall meet each
11 of the following criteria:

12 (1) The proposed area shall be an assemblage—

13 (A) of natural, cultural, historic, or scenic
14 resources that together represent a distinctive
15 aspect of the heritage of the United States that
16 is worthy of recognition, preservation, interpre-
17 tation, and continuing use;

18 (B) that is best managed as such an as-
19 semblage through partnerships between public
20 and private entities; and

21 (C) that combines diverse (and sometimes
22 noncontiguous) resources and active commu-
23 nities.

24 (2) The proposed area reflects traditions, cus-
25 toms, beliefs, or folklife, or any combination thereof,

1 that are a valuable part of the history of the United
2 States.

3 (3) The proposed area provides outstanding op-
4 portunities to conserve natural, cultural, historic, or
5 scenic features, or any combination thereof.

6 (4) The proposed area provides outstanding rec-
7 reational and educational opportunities.

8 (5) The resources that are important to each
9 identified theme of the proposed area retain a degree
10 of integrity that is capable of supporting interpreta-
11 tion of the theme.

12 (6) Residents, nonprofit organizations, other
13 private entities, and governments within the pro-
14 posed area have demonstrated support for the des-
15 ignation of the area as an American Heritage Area
16 and the implementation of the management plan for
17 the area developed under section 6.

18 (7) The principal organizations and units of
19 government that support the designation are willing
20 to commit to entering into agreements to work in
21 partnership to implement the management plan for
22 the area.

23 (8) A compact that meets the applicable re-
24 quirements under section 6 has been prepared with
25 public participation.

1 (d) CONDITIONS FOR DESIGNATION.—An area may
2 be designated as an American Heritage Area only upon
3 the occurrence of the following conditions:

4 (1) An entity requesting that an area be des-
5 ignated as an American Heritage Area submits to
6 the Secretary a feasibility study and compact (as de-
7 scribed in section 6(d)), together with the comments
8 of the Governor of each State in which the proposed
9 American Heritage Area is located.

10 (2) The Secretary, after consulting with the Ad-
11 visory Council on Historic Preservation in accord-
12 ance with section 106 of the National Historic Pres-
13 ervation Act (16 U.S.C. 470f), approves the feasibil-
14 ity study and compact.

15 (3) The Secretary submits the feasibility study
16 and compact to Congress, together with any com-
17 ments that the Secretary considers appropriate for a
18 preferred action.

19 (4) Congress enacts legislation to designate the
20 area as an American Heritage Area that specifies
21 the boundaries of and management entity for the
22 American Heritage Area.

23 (e) RELATION TO THE NATIONAL REGISTER OF HIS-
24 TORIC PLACES.—The designation of an American Herit-
25 age Area shall not be deemed to signify that such Amer-

1 ican Heritage Area is included in, or eligible for, inclusion
2 in the National Register of Historic Places, as established
3 in accordance with section 101 of the National Historic
4 Preservation Act (16 U.S.C. 470a). Designation of an
5 American Heritage Area shall not preclude the subsequent
6 nomination to, or determination of eligibility for inclusion
7 in, the National Register of any district, site, building,
8 structure, or object located within the designated Amer-
9 ican Heritage Area.

10 (f) DURATION OF DESIGNATIONS.—

11 (1) IN GENERAL.—The designation of an Amer-
12 ican Heritage Area shall continue to be in effect
13 during the period after the date of the designation
14 unless—

15 (A) the Secretary determines that—

16 (i) the American Heritage Area no
17 longer meets the criteria described in sub-
18 section (c);

19 (ii) the parties to the applicable com-
20 pact for the American Heritage Area are
21 not in compliance with the terms of the
22 compact; or

23 (iii) the management entity for the
24 American Heritage Area has not made sig-

1 nificant progress in developing or imple-
2 menting the management plan;

3 (B) the Secretary requests that Congress
4 withdraw the designation; and

5 (C) Congress withdraws the designation.

6 (2) PUBLIC HEARING.—Before the Secretary
7 makes a determination described in paragraph
8 (1)(A) the Secretary or the designee of the Secretary
9 shall hold a public hearing within the American Her-
10 itage Area.

11 **SEC. 6. HERITAGE PARTNERSHIP FEASIBILITY STUDIES,**
12 **COMPACTS, MANAGEMENT PLANS, AND**
13 **EARLY ACTIONS.**

14 (a) GRANTS.—

15 (1) IN GENERAL.—The Secretary may make
16 matching grants—

17 (A) to assist in studies to identify the fea-
18 sibility of establishing an American Heritage
19 Area;

20 (B) to prepare compacts outlining the ob-
21 jectives, boundaries and management structure
22 of the proposed American Heritage Area;

23 (C) to prepare management plans for an
24 area designated as an American Heritage Area;
25 and

1 (D) to provide support for early actions as
2 part of the development of American Heritage
3 Areas, as described in subsections (d) and (e).

4 (2) ELIGIBILITY.—The Secretary may make
5 grants under this section to units of government.
6 The Secretary, in consultation with affected units of
7 government, may also make grants to private non-
8 profit organizations. In awarding grants, the Sec-
9 retary shall be guided by the criteria for eligibility
10 for designation described in section 5(c).

11 (b) TECHNICAL ASSISTANCE.—

12 (1) ELIGIBILITY.—The Secretary may provide
13 technical assistance to units of government and pri-
14 vate nonprofit organizations for conducting feasibil-
15 ity studies described in subsection (d)(1), for prepar-
16 ing a compact described in subsection (d)(2) or man-
17 agement plan described in subsection (d)(3), and
18 carrying out an early action described in subsection
19 (e). In providing technical assistance under this
20 paragraph, the Secretary shall be guided by the cri-
21 teria for eligibility for designation described in sec-
22 tion 5(c).

23 (2) COOPERATIVE AGREEMENTS.—In addition,
24 the Secretary may provide all or part of the tech-
25 nical assistance described in paragraph (1), through

1 cooperative agreements with units of government
2 and private nonprofit organizations that have a mis-
3 sion and resources that are capable of contributing
4 substantially to carrying out the purposes of this
5 Act.

6 (c) OTHER ASSISTANCE.—Nothing in this Act may
7 prohibit the Secretary or a unit of government from pro-
8 viding technical or financial assistance under any other
9 provision of law.

10 (d) CONTENTS OF STUDIES, COMPACTS, AND
11 PLANS.—

12 (1) FEASIBILITY STUDY.—Each feasibility
13 study conducted under this Act shall include suffi-
14 cient information to determine if an area has the po-
15 tential to meet the criteria described in subsection
16 (c). Such information shall include each of the fol-
17 lowing:

18 (A) A description of the natural, cultural,
19 historic, and scenic resources and recreational
20 opportunities of the area proposed to be des-
21 ignated as an American Heritage Area (referred
22 to in this subsection as a “proposed area”), in-
23 cluding an assessment of the quality, the degree
24 of integrity, the availability of public access,

1 and the themes represented by such resources
2 and opportunities.

3 (B) An assessment of the interest of poten-
4 tial partners, including units of government,
5 nonprofit organizations, and other private enti-
6 ties.

7 (C) A description of tentative boundaries
8 for the proposed area.

9 (D) The identification of a potential man-
10 agement entity.

11 (E) Any other information that the pre-
12 parer of the study determines appropriate.

13 (2) COMPACT.—A compact developed under this
14 Act shall include information relating to the goals
15 and objectives for managing the proposed area as an
16 American Heritage Area. Such information shall in-
17 clude the following:

18 (A) A delineation of the boundaries of the
19 proposed area.

20 (B) A discussion of the goals and objec-
21 tives for managing the proposed area, including
22 an explanation of a proposed approach to con-
23 servation and interpretation and a general out-
24 line of the protection measures that the part-

1 ners specified in the compact have committed to
2 carry out.

3 (C) An identification and description of the
4 management entity that will administer the pro-
5 posed area as an American Heritage Area.

6 (D) A list of the initial partners that will
7 be involved in developing and implementing the
8 management plan for the proposed area, and a
9 statement of the financial commitment of such
10 partners.

11 (E) A description of the role of each State
12 in which the proposed area is located.

13 (3) MANAGEMENT PLAN.—

14 (A) IN GENERAL.—A management plan for
15 an American Heritage Area developed under
16 this Act shall provide for the following:

17 (i) Comprehensive recommendations
18 for the conservation, funding, manage-
19 ment, and development of the American
20 Heritage Area.

21 (ii) Recommended actions to be un-
22 dertaken by units of government and pri-
23 vate organizations to protect the resources
24 of the area.

1 (iii) An identification of existing and
2 potential sources of funding for the protec-
3 tion, management, and development of the
4 American Heritage Area.

5 (iv) An inventory of the resources con-
6 tained in the American Heritage Area, in-
7 cluding a list of real property in the area
8 that should be preserved, restored, man-
9 aged, developed, and maintained, in a
10 manner consistent with the themes of the
11 American Heritage Area, because of the
12 natural, cultural, historic, or significance
13 of such real property.

14 (v) A recommendation of policies and
15 procedures for resource management that
16 take into consideration and detail the ap-
17 plication of appropriate land and water
18 management techniques, and that include
19 the development of intergovernmental co-
20 operative agreements to protect the natu-
21 ral, cultural, historic, and scenic resources
22 of the American Heritage Area and rec-
23 reational opportunities of such area in a
24 manner that is consistent with supporting

1 appropriate and compatible economic via-
2 bility.

3 (vi) A program for the implementation
4 of the management plan by the manage-
5 ment entity, including plans for restoration
6 and construction, as well as specific com-
7 mitments of the identified partners for the
8 first 5 years during which the plan is in
9 operation.

10 (vii) An analysis of ways in which
11 local, State, and Federal programs may
12 best be coordinated to promote the pur-
13 poses of the Act.

14 (viii) An interpretation plan for the
15 American Heritage Area that is the subject
16 of the management plan.

17 (B) PLAN DEVELOPMENT.—In developing
18 a management plan, the management entity
19 shall—

20 (i) take into consideration existing
21 plans of units of government and regional
22 plans in effect at the time of the develop-
23 ment of the management plan; and

24 (ii) provide for participation by resi-
25 dents, public agencies, and private organi-

1 zations located in the American Heritage
2 Area.

3 (e) EARLY ACTION.—During the period beginning on
4 the date on which an area is designated as an American
5 Heritage Area and ending on the date of approval of the
6 management plan for the American Heritage Area, the
7 Secretary may provide technical and financial assistance
8 for any early action that the Secretary determines to be
9 important to the theme of the area and that protects any
10 resources that are in imminent danger of suffering irre-
11 versible damage if the early action is not taken.

12 **SEC. 7. MANAGEMENT ENTITIES.**

13 (a) IN GENERAL.—

14 (1) FUNDING.—Each management entity des-
15 igned in a compact for an area designated as an
16 American Heritage Area may receive Federal fund-
17 ing to support a cooperative partnership to prepare
18 and implement the management plan and otherwise
19 carry out functions specified in this Act.

20 (2) ELIGIBILITY FOR DESIGNATION.—To be eli-
21 gible for designation as the management entity of an
22 American Heritage Area, a unit of government or
23 private nonprofit organization shall be required to
24 possess the legal authority and capability to—

1 (A) receive Federal funds for use in pre-
2 preparing and implementing a management plan
3 (as described in section 6(d)(3));

4 (B) disburse Federal funds to other units
5 of government or other organizations for use in
6 preparing and implementing the management
7 plan;

8 (C) account for all Federal funds received
9 or disbursed; and

10 (D) enter into agreements with the Federal
11 Government.

12 (b) AUTHORITIES OF THE MANAGEMENT ENTITY.—
13 The management entity may, for purposes of preparing
14 and implementing the management plan developed under
15 section 6(d)(3), use Federal funds made available pursu-
16 ant to this Act for the following purposes:

17 (1) To make loans and grants to States and po-
18 litical subdivisions thereof, private organizations, or
19 other persons.

20 (2) To enter into cooperative agreements with
21 the heads of Federal agencies.

22 (3) To hire and compensate staff.

23 (c) DUTIES OF THE MANAGEMENT ENTITY.—The
24 management entity shall carry out the following duties:

1 (1) Not later than 5 years after the date of en-
2 actment of this Act, develop and submit to the Sec-
3 retary for approval a management plan.

4 (2) Give priority to implementing actions (as
5 set forth in the compact and the management plan),
6 including taking steps to—

7 (A) assist units of government, regional
8 planning organizations, and nonprofit organiza-
9 tions—

10 (i) in preserving the American Herit-
11 age Area;

12 (ii) in establishing and maintaining
13 interpretive exhibits in the American Her-
14 itage Area;

15 (iii) in developing recreational re-
16 sources in the American Heritage Area;

17 (iv) in increasing public awareness of
18 and appreciation for the natural, historical,
19 and architectural resources and sites in the
20 American Heritage Area; and

21 (v) in the restoration of any historic
22 building relating to the themes of the Her-
23 itage Area;

24 (B) encourage, by appropriate means and
25 in a manner consistent with the goals of the

1 management plan, the economic viability in the
2 corridor that is included in the American Herit-
3 age Area;

4 (C) encourage local governments to adopt
5 land use policies that are consistent with the
6 management of the American Heritage Area
7 and the goals of the management plan; and

8 (D) assist units of government, regional
9 planning organizations, and nonprofit organiza-
10 tions to ensure that clear, consistent, and envi-
11 ronmentally appropriate signs identifying access
12 points and sites of interest are placed through-
13 out the American Heritage Area.

14 (3) In developing and implementing the man-
15 agement plan for the American Heritage Area, con-
16 sider the interests of diverse governmental, business,
17 and nonprofit groups within the American Heritage
18 Area.

19 (4) Conduct (not less frequently than quar-
20 terly), public meetings regarding the implementation
21 of the management plan.

22 (5) Submit any substantial changes to the man-
23 agement plan (including any increase of more than
24 20 percent in the cost estimates for implementation)
25 to the Secretary for approval by the Secretary.

1 (6) For any fiscal year during which Federal
2 funds are made available to the management entity
3 pursuant to this Act, submit an annual report to the
4 Secretary that describes—

5 (A) the accomplishments, expenses and in-
6 come of the management entity; and

7 (B) the persons or entities to which the
8 management entity made a loan or grant dur-
9 ing the fiscal year that is the subject of the re-
10 port.

11 (7) For each fiscal year described in paragraph
12 (6), make available for audit by the Congress, the
13 Secretary, and appropriate units of government, all
14 records and other information pertaining to the ex-
15 penditure of the Federal funds and any matching
16 funds.

17 (8) Require, with respect to any person or en-
18 tity that receives Federal funding that is made avail-
19 able to the person or entity pursuant to an agree-
20 ment that the person or entity enters into with the
21 management entity, that pursuant to an agreement
22 authorizing the expenditure of Federal funds for a
23 grant or loan, that the person or entity make avail-
24 able for audit by the management entity all records
25 pertaining to the expenditure of such funds.

1 (9) Assume liability for any loan made by the
2 management entity pursuant to subsection (b)(1).

3 (d) EFFECT OF FAILURE TO SUBMIT MANAGEMENT
4 PLAN.—If the management entity fails to submit a man-
5 agement plan to the Secretary by the date specified in sub-
6 section (c)(1), beginning on such date, no Federal funds
7 may be made available to the management entity for the
8 American Heritage Area or to any other unit of govern-
9 ment or nonprofit entity to carry out a project for the
10 American Heritage Area.

11 (e) PROHIBITION ON THE ACQUISITION OF REAL
12 PROPERTY.—The management entity may not use Fed-
13 eral funds made available under this Act to acquire real
14 property or an interest in real property. Nothing in this
15 Act may preclude the management entity from using Fed-
16 eral funds from other sources for the purposes for which
17 such funds are authorized to be expended.

18 (f) ELIGIBILITY FOR RECEIVING FINANCIAL ASSIST-
19 ANCE.—

20 (1) ELIGIBILITY.—Except as provided in para-
21 graph (2), the management entity shall be eligible to
22 receive funds made available by appropriation pursu-
23 ant to this Act during the 10-year period beginning
24 on the date on which the American Heritage Area

1 under the jurisdiction of the management area is
2 designated as an American Heritage Area.

3 (2) EXCEPTION.—The Secretary may extend
4 the eligibility of the management entity to receive
5 funding under this Act for an additional period of
6 not to exceed 5 years if the following conditions are
7 met:

8 (A) The management entity—

9 (i) determines that such extension is
10 necessary to carry out the purposes of this
11 Act with respect to the American Heritage
12 Area; and

13 (ii) notifies the Secretary not later
14 than 180 days prior to the termination
15 date of the period specified in paragraph
16 (1).

17 (B) Not later than 180 days prior to the
18 termination date referred to in subparagraph
19 (A), the management entity presents to the
20 Secretary a plan of the activities of the manage-
21 ment entity for the period of the extension, in-
22 cluding provisions for ensuring that the man-
23 agement entity will become financially inde-
24 pendent (with respect to the Federal funds
25 made available under this Act).

1 (C) The Secretary, in consultation with
2 each Governor of a State in which the American
3 Heritage Area under the jurisdiction of the
4 management entity is located, approves such ex-
5 tension of funding.

6 (3) STATUTORY INTERPRETATION.—No exten-
7 sion provided by the Secretary pursuant to this sub-
8 section may be construed as waiving any limitation
9 on funding provided in this Act.

10 **SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

11 (a) DUTIES AND AUTHORITIES OF THE SEC-
12 RETARY.—

13 (1) TECHNICAL AND FINANCIAL ASSISTANCE.—

14 (A) IN GENERAL.—The Secretary may,
15 after an area is designated as an American
16 Heritage Area, upon request of the manage-
17 ment entity for the American Heritage Area,
18 provide technical and financial assistance to the
19 management entity to develop and implement
20 the management plan for the American Herit-
21 age Area pursuant to this subsection.

22 (B) PRIORITIES.—In providing assistance
23 for the American Heritage Area, the Secretary
24 shall give priority to activities that, in general,
25 assist in—

1 (i) conserving the significant natural,
2 historic, and cultural resources that sup-
3 port the themes of the American Heritage
4 Area; and

5 (ii) providing educational, interpretive,
6 and recreational opportunities consistent
7 with the resources and associated values of
8 the American Heritage Area.

9 (C) SPENDING FOR NON-FEDERALLY
10 OWNED PROPERTY.—The Secretary may expend
11 Federal funds directly on real property that is
12 not federally owned to further the purposes of
13 this Act, especially in providing assistance to
14 units of government for the appropriate treat-
15 ment of districts, sites, buildings, structures,
16 and objects listed or eligible for listing on the
17 National Register of Historic Places established
18 under section 101 of the National Historic
19 Preservation Act (16 U.S.C. 470a).

20 (D) DETERMINATIONS BY SECRETARY.—

21 (i) The Secretary shall determine—

22 (I) which American Heritage Areas
23 will be awarded technical and financial as-
24 sistance pursuant to this Act; and

1 (II) the amount of such assistance;
2 and

3 (ii) The Secretary shall make the deter-
4 minations described in clause (i) on the basis of
5 the relative degree to which each American
6 Heritage Area effectively fulfills the objectives
7 of the management plan for the American Her-
8 itage Area. In making such determinations, the
9 Secretary shall give consideration to projects
10 that provide for a relatively greater amount of
11 leverage of Federal funds.

12 (E) RECIPIENTS OF ASSISTANCE.—In car-
13 rying out subparagraph (D), the Secretary may
14 provide technical and financial assistance to
15 units of government and nonprofit organiza-
16 tions that serve as management entities and
17 other units of government and nonprofit entities
18 that carry out projects pursuant to the manage-
19 ment plan.

20 (2) APPROVAL AND DISAPPROVAL OF COM-
21 PACTS, AND MANAGEMENT PLANS.—

22 (A) IN GENERAL.—The Secretary, in con-
23 sultation with the Governor of each State in
24 which an area that is the subject of a compact
25 or management plan, shall approve or dis-

1 approve a compact developed pursuant to sec-
2 tion 6(d)(2) submitted to the Secretary pursu-
3 ant to this Act or management plan developed
4 pursuant to section 6(d)(3) submitted pursuant
5 to this Act not later than 90 days after receiv-
6 ing such compact or management plan.

7 (B) ACTION FOLLOWING DISAPPROVAL.—

8 (i) If the Secretary disapproves a compact or
9 management plan pursuant to subparagraph
10 (A), the Secretary shall—

11 (I) provide written notice of the dis-
12 approval to the person or entity that sub-
13 mitted the compact or management plan
14 that includes the reasons for the dis-
15 approval; and

16 (II) make recommendations for revi-
17 sions to the compact or management plan.

18 (ii) The Secretary shall approve or dis-
19 approve a revised compact or management plan
20 that is submitted to the Secretary not later
21 than 90 days after receiving the revised com-
22 pact or management plan.

23 (3) REVIEW OF REVISION.—(A) The Secretary
24 shall review any substantial revision made by a man-
25 agement entity to a management plan for an Amer-

1 ican Heritage Area and shall approve or disapprove
2 the revised management plan in accordance with
3 paragraph (2)(B)(ii).

4 (B) The management entity may not expend
5 funds made available under this Act to carry out any
6 revision to the management plan that has not been
7 approved by the Secretary.

8 (C) The Secretary shall determine which Amer-
9 ican Heritage Areas shall be awarded technical and
10 financial assistance, and the amount of such assist-
11 ance. Such determinations shall be based on the rel-
12 ative degree to which each Area most effectively ful-
13 fills the objectives contained in the management plan
14 and shall give consideration to projects which pro-
15 vide a greater leverage of Federal funds.

16 (D) The Secretary may provide technical and fi-
17 nancial assistance to units of government and to
18 nonprofit organizations in carrying out the purposes
19 of this Act.

20 (4) APPROVAL AND DISAPPROVAL OF COM-
21 PACTS, AND MANAGEMENT PLANS.—

22 (A) The Secretary, in consultation with the
23 Governor of each State in which the proposed
24 or designated American Heritage Area is lo-
25 cated, shall approve or disapprove a compact or

1 management plan submitted under this Act not
2 later than 90 days after receiving such compact
3 or management plan.

4 (B) If the Secretary disapproves a submit-
5 ted compact or management plan, the Secretary
6 shall advise the petitioner in writing of the rea-
7 sons therefor and shall make recommendations
8 for revisions in the compact or plan. The Sec-
9 retary shall approve or disapprove a proposed
10 revision within 90 days after the date on which
11 the proposed revision is submitted to the Sec-
12 retary.

13 (5) APPROVAL OF AMENDMENTS.—The Sec-
14 retary shall review substantial amendments to man-
15 agement plans of American Heritage Areas. Funds
16 appropriated pursuant to this Act may not be ex-
17 pended to implement the amendments until the Sec-
18 retary approves the amendments.

19 (6) ANNUAL REPORT.—Not later than 1 year
20 after the date of enactment of this Act and annually
21 thereafter, the Secretary shall submit to Congress a
22 report on the American Heritage Areas Partnership
23 Program. Such report shall include—

24 (A) the number, amounts, and recipients
25 of, any grants provided by the Secretary pursu-

1 ant to this Act and the nature of any technical
2 assistance or early action provided by the Sec-
3 retary pursuant to this Act;

4 (B) a description of the areas nominated
5 for the American Heritage Areas Partnership
6 Program;

7 (C) recommendations of the Secretary for
8 areas to be designated by Congress as American
9 Heritage Areas; and

10 (D) the status of the implementation of
11 contractual agreements entered into by the Sec-
12 retary under the American Heritage Areas
13 Partnership Program.

14 (7) OVERSIGHT OF HERITAGE AREAS.—The
15 Secretary shall—

16 (A) investigate, study and continually mon-
17 itor the welfare of American Heritage Areas
18 with respect to which eligibility for Federal
19 funding has expired; and

20 (B) periodically report to Congress on the
21 then current condition of each American Herit-
22 age Area and any changes to the condition of
23 such American Heritage Area.

24 (8) PROVIDING INFORMATION.—The Secretary,
25 in cooperation with the heads of other Federal agen-

1 cies, shall provide the general public with informa-
2 tion concerning the location and character of compo-
3 nents of the American Heritage Areas Partnership
4 Program.

5 (9) PROMULGATING REGULATIONS.—The Sec-
6 retary shall promulgate such regulations as are nec-
7 essary to carry out this Act.

8 (b) DUTIES OF OTHER FEDERAL AGENCIES AND RE-
9 CIPIENTS OF FEDERAL FUNDING.—Any Federal entity
10 that conducts or supports activities that directly affect a
11 designated American Heritage Area, and any unit of gov-
12 ernment that acts pursuant to a grant of Federal funds
13 or a Federal permit or agreement to conduct or support
14 such activities shall, to the maximum extent practicable—

15 (1) consult with the Secretary and the manage-
16 ment entity for the American Heritage Area with re-
17 spect to such activities;

18 (2) cooperate with the Secretary and the man-
19 agement entity in carrying out the duties of the Sec-
20 retary and the management entity under this Act
21 and coordinate such activities with carrying out such
22 duties; and

23 (3) conduct or support such activities in a man-
24 ner consistent with the applicable management plan,
25 unless the appropriate official of the Federal entity,

1 after consultation with the Secretary and the appro-
2 priate official of the management entity, determines
3 there is no practicable alternative to conducting the
4 activity in a manner that is inconsistent with such
5 management plan.

6 **SEC. 9. PRIVATE PROPERTY USE.**

7 A land use plan for a designated American Heritage
8 Area may be adopted and implemented by a political sub-
9 division of a State or a management entity authorized by
10 applicable State law to exercise such authorities concern-
11 ing private property use, pursuant to the applicable com-
12 pact, and management plan developed under section 6,
13 and any other binding agreement relating to the American
14 Heritage Area that the partners supporting the American
15 Heritage Area enter into to achieve the purposes of the
16 designation of the area.

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) FEASIBILITY STUDIES, COMPACTS, MANAGE-
19 MENT PLANS, AND EARLY ACTIONS.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law and subject to the conditions in
22 paragraph (2), for each fiscal year there are author-
23 ized to be appropriated, from the Historic Preserva-
24 tion Fund established under section 108 of the Na-
25 tional Historic Preservation Act (16 U.S.C. 470h)

1 for use by the Secretary making grants and provid-
2 ing technical assistance pursuant to section 6, and
3 carrying out related administrative activities,
4 \$10,000,000, to remain available until expended.

5 (2) CONDITIONS.—(A) No grant referred to in
6 paragraph (1) for conducting a feasibility study, pre-
7 paring a compact or management plan, or carrying
8 out an early action may exceed 75 percent of the
9 cost to the grantee for activity covered under the
10 grant.

11 (B) The total amount of Federal funding for
12 conducting a feasibility study for an American Her-
13 itage Area may not exceed \$100,000.

14 (C) The total amount of Federal funding for
15 the preparation of a compact for an American Herit-
16 age Area under section 6 may not exceed \$150,000.

17 (D) The total amount of Federal funding for
18 the preparation of a management plan for an Amer-
19 ican Heritage Area may not exceed \$150,000.

20 (b) MANAGEMENT ENTITY OPERATIONS.—

21 (1) IN GENERAL.—Notwithstanding any other
22 provision of law, there are authorized to be appro-
23 priated from the Historic Preservation Fund estab-
24 lished under section 108 of the National Historic
25 Preservation Act (16 U.S.C. 470h) for use by the

1 Secretary, \$250,000 for each fiscal year to fund the
2 operating costs of each management entity pursuant
3 to section 7.

4 (2) LIMITATION.—The Federal contribution to
5 the operation of the management entity shall not ex-
6 ceed 50 percent of the annual operating costs of the
7 management entity.

8 (c) IMPLEMENTATION.—

9 (1) IN GENERAL.—Notwithstanding any other
10 provision of law, for each fiscal year, there are au-
11 thorized to be appropriated from the Historic Pres-
12 ervation Fund established under section 108 of the
13 National Historic Preservation Act (16 U.S.C. 470h)
14 for use by the Secretary, \$25,000,000 to make and
15 administer grants for the implementation of man-
16 agement plans pursuant to section 8, to remain
17 available until expended, subject to the conditions
18 described in paragraph (2).

19 (2) CONDITIONS.—The conditions described in
20 this paragraph are as follows:

21 (A) No grant for implementation may ex-
22 ceed 50 percent of the cost to the grantee of
23 implementation.

24 (B) For each fiscal year, not more than 10
25 percent of the amounts made available by ap-

1 appropriation shall be made available for imple-
2 mentation activities in any one American Herit-
3 age Area.

4 (C) Each grant payment shall be made
5 subject to an agreement that the conversion,
6 use, or disposal of the project that is the sub-
7 ject of the grant for purposes contrary to the
8 purposes of this Act, as determined by the Sec-
9 retary, shall result in a right of the United
10 States to reimbursement of all funds made
11 available to such project or the proportion of
12 the increased value of the project attributable
13 to such funds as determined at the time of such
14 conversion, use, or disposal, whichever is great-
15 er.

16 (d) LIMITATION ON AMOUNTS AVAILABLE FOR
17 TECHNICAL ASSISTANCE.—For any one American Herit-
18 age Area, an amount equal to not more than 10 percent
19 of the total amount made available to such area under this
20 section for a fiscal year may be made available for that
21 fiscal year for technical assistance with respect to that
22 area.

23 (e) COVERED ACTIVITIES.—Notwithstanding any
24 other provision of law, for the purposes of section 108 of
25 the National Historic Preservation Act (16 U.S.C. 470h),

1 the activities specified in subsections (a) through (c) shall
2 be deemed to be activities covered under the National His-
3 toric Preservation Act (16 U.S.C. 470 et seq.).

4 **SEC. 11. SUNSET PROVISION.**

5 This Act shall be effective during the period begin-
6 ning on the date of enactment of this Act and ending on
7 September 30 of the twenty-fifth calendar year beginning
8 after the date of enactment of this Act.

9 **SEC. 12. STATUTORY CONSTRUCTION.**

10 Nothing in this Act shall be construed to expand or
11 diminish any authorities provided by laws designating in-
12 dividual national heritage areas or corridors established
13 prior to the date of enactment of this Act.

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S 2509 IS—3