

In the Senate of the United States,

November 20 (legislative day, November 19), 2002.

Resolved, That the bill from the House of Representatives (H.R. 695) entitled “An Act to establish the Oil Region National Heritage Area.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Omnibus National Her-*
3 *itage Area Act of 2002”.*

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1 **TITLE I—OIL REGION NATIONAL**
 2 **HERITAGE AREA**

3 **SEC. 101. SHORT TITLE; DEFINITIONS.**

4 (a) *SHORT TITLE.*—*This title may be cited as the “Oil*
 5 *Region National Heritage Area”.*

6 (b) *DEFINITIONS.*—*For the purposes of this title, the*
 7 *following definitions shall apply:*

1 (1) *HERITAGE AREA.*—The term “Heritage
2 Area” means the Oil Region National Heritage Area
3 established in section 103(a).

4 (2) *MANAGEMENT ENTITY.*—The term “manage-
5 ment entity” means the Oil heritage Region, Inc., or
6 its successor entity.

7 (3) *SECRETARY.*—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 102. FINDINGS AND PURPOSE.**

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

11 (1) *The Oil Region of Northwestern Pennsyl-*
12 *vania, with numerous sites and districts listed on the*
13 *National Register of Historic Places, and designated*
14 *by the Governor of Pennsylvania as one of the State*
15 *Heritage Park Areas, is a region with tremendous*
16 *physical and natural resources and possesses a story*
17 *of State, national, and international significance.*

18 (2) *The single event of Colonel Edwin Drake’s*
19 *drilling of the world’s first successful oil well in 1859*
20 *has affected the industrial, natural, social, and polit-*
21 *ical structures of the modern world.*

22 (3) *Six national historic districts are located*
23 *within the State Heritage Park boundary, in*
24 *Emlenton, Franklin, Oil City, and Titusville, as well*
25 *as 17 separate National Register sites.*

1 (4) *The Allegheny River, which was designated*
2 *as a component of the national wild and scenic rivers*
3 *system in 1992 by Public Law 102–271, traverses the*
4 *Oil Region and connects several of its major sites, as*
5 *do some of the river’s tributaries such as Oil Creek,*
6 *French Creek, and Sandy Creek.*

7 (5) *The unspoiled rural character of the Oil Re-*
8 *gion provides many natural and recreational re-*
9 *sources, scenic vistas, and excellent water quality for*
10 *people throughout the United States to enjoy.*

11 (6) *Remnants of the oil industry, visible on the*
12 *landscape to this day, provide a direct link to the*
13 *past for visitors, as do the historic valley settlements,*
14 *riverbed settlements, plateau developments, farmlands,*
15 *and industrial landscapes.*

16 (7) *The Oil Region also represents a cross section*
17 *of American history associated with Native Ameri-*
18 *cans, frontier settlements, the French and Indian*
19 *War, African Americans and the Underground Rail-*
20 *road, and immigration of Swedish and Polish indi-*
21 *viduals, among others.*

22 (8) *Involvement by the Federal Government shall*
23 *serve to enhance the efforts of the Commonwealth of*
24 *Pennsylvania, local subdivisions of the Common-*
25 *wealth of Pennsylvania, volunteer organizations, and*

1 *private businesses, to promote the cultural, national,*
2 *and recreational resources of the region in order to*
3 *fulfill their full potential.*

4 *(b) PURPOSE.—The purpose of this title is to enhance*
5 *a cooperative management framework to assist the Com-*
6 *monwealth of Pennsylvania, its units of local government,*
7 *and area citizens in conserving, enhancing, and inter-*
8 *preting the significant features of the lands, water, and*
9 *structures of the Oil Region, in a manner consistent with*
10 *compatible economic development for the benefit and inspi-*
11 *ration of present and future generations in the Common-*
12 *wealth of Pennsylvania and the United States.*

13 **SEC. 103. OIL REGION NATIONAL HERITAGE AREA.**

14 *(a) ESTABLISHMENT.—There is hereby established the*
15 *Oil Region National Heritage Area.*

16 *(b) BOUNDARIES.—The boundaries of the Heritage*
17 *Area shall include all of those lands depicted on a map enti-*
18 *tled “Oil Region National Heritage Area”, numbered*
19 *OIRE/20,000 and dated October 2000. The map shall be*
20 *on file in the appropriate offices of the National Park Serv-*
21 *ice. The Secretary shall publish in the Federal Register, as*
22 *soon as practical after the date of the enactment of this title,*
23 *a detailed description and map of the boundaries estab-*
24 *lished under this subsection.*

1 (c) *MANAGEMENT ENTITY.*—*The management entity*
2 *for the Heritage Area shall be the Oil Heritage Region, Inc.,*
3 *the locally-based private, nonprofit management corpora-*
4 *tion which shall oversee the development of a management*
5 *plan in accordance with section 105(b).*

6 **SEC. 104. MEMORANDUM OF UNDERSTANDING.**

7 *To carry out the purposes of this title, the Secretary*
8 *shall enter into a memorandum of understanding with the*
9 *management entity. The memorandum shall include infor-*
10 *mation relating to the objectives and management of the*
11 *area, including a discussion of the goals and objectives of*
12 *the Heritage Area, including an explanation of the proposed*
13 *approach to conservation and interpretation and a general*
14 *outline of the protection measures committed to by the Sec-*
15 *retary and management entity.*

16 **SEC. 105. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**
17 **TITY.**

18 (a) *AUTHORITIES.*—*The management entity may use*
19 *funds made available under this title for purposes of pre-*
20 *paring, updating, and implementing the management plan*
21 *developed under subsection (b). Such purposes may*
22 *include—*

23 (1) *making grants to, and entering into coopera-*
24 *tive agreements with, States and their political sub-*
25 *divisions, private organizations, or any other person;*

1 (2) *hiring and compensating staff; and*

2 (3) *undertaking initiatives that advance the pur-*
3 *poses of the Heritage Area.*

4 (b) *MANAGEMENT PLAN.*—*The management entity*
5 *shall develop a management plan for the Heritage Area*
6 *that—*

7 (1) *presents comprehensive strategies and rec-*
8 *ommendations for conservation, funding, manage-*
9 *ment, and development of the Heritage Area;*

10 (2) *takes into consideration existing State, coun-*
11 *ty, and local plans and involves residents, public*
12 *agencies, and private organizations working in the*
13 *Heritage Area;*

14 (3) *includes a description of actions that units*
15 *of government and private organizations have agreed*
16 *to take to protect the resources of the Heritage Area;*

17 (4) *specifies the existing and potential sources of*
18 *funding to protect, manage, and develop the Heritage*
19 *Area;*

20 (5) *includes an inventory of the resources con-*
21 *tained in the Heritage Area, including a list of any*
22 *property in the Heritage Area that is related to the*
23 *themes of the Heritage Area and that should be pre-*
24 *served, restored, managed, developed, or maintained*

1 *because of its natural, cultural, historic, recreational,*
2 *or scenic significance;*

3 *(6) recommends policies for resource manage-*
4 *ment which consider and detail application of appro-*
5 *priate land and water management techniques, in-*
6 *cluding, but not limited to, the development of inter-*
7 *governmental and interagency cooperative agreements*
8 *to protect the Heritage Area's historical, cultural, rec-*
9 *reational, and natural resources in a manner con-*
10 *sistent with supporting appropriate and compatible*
11 *economic viability;*

12 *(7) describes a program for implementation of*
13 *the management plan by the management entity, in-*
14 *cluding plans for restoration and construction, and*
15 *specific commitments for that implementation that*
16 *have been made by the management entity and any*
17 *other persons for the first 5 years of implementation;*

18 *(8) includes an analysis of ways in which local,*
19 *State, and Federal programs, including the role for*
20 *the National Park Service in the Heritage Area, may*
21 *best be coordinated to promote the purposes of this*
22 *title;*

23 *(9) list any revisions to the boundaries of the*
24 *Heritage Area proposed by the management entity*
25 *and requested by the affected local government; and*

1 (10) includes an interpretation plan for the Her-
2 itage Area.

3 (c) *DEADLINE; TERMINATION OF FUNDING.*—

4 (1) *DEADLINE.*—*The management entity shall*
5 *submit the management plan to the Secretary within*
6 *2 years after the funds are made available for this*
7 *title.*

8 (2) *TERMINATION OF FUNDING.*—*If a manage-*
9 *ment plan is not submitted to the Secretary in ac-*
10 *cordance with this subsection, the management entity*
11 *shall not qualify for Federal assistance under this*
12 *title.*

13 (d) *DUTIES OF MANAGEMENT ENTITY.*—*The manage-*
14 *ment entity shall—*

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

17 (2) *assist units of government, regional planning*
18 *organizations, and nonprofit organizations in—*

19 (A) *establishing and maintaining interpre-*
20 *tative exhibits in the Heritage Area;*

21 (B) *developing recreational resources in the*
22 *Heritage Area;*

23 (C) *increasing public awareness of and ap-*
24 *preciation for the natural, historical, and archi-*
25 *tectural resources and sites in the Heritage Area;*

1 (D) the restoration of any historic building
2 relating to the themes of the Heritage Area;

3 (E) ensuring that clear, consistent, and en-
4 vironmentally appropriate signs identifying ac-
5 cess points and sites of interest are put in place
6 throughout the Heritage Area; and

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

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

13 (4) consider the interests of diverse governmental,
14 business, and nonprofit groups within the Heritage
15 Area; and

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

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

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

1 *was made by the management entity in the year*
2 *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 Federal*
12 *funds received under this title to acquire real property or*
13 *an interest in real property.*

14 **SEC. 106. 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 entity,*
19 *and subject to the availability of appropriations,*
20 *provide technical and financial assistance to the*
21 *management entity to carry out its duties under*
22 *this title, including updating and implementing*
23 *a management plan that is submitted under sec-*
24 *tion 105(b) and approved by the Secretary and,*

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

3 *(B) OTHER ASSISTANCE.—If the Secretary*
4 *has the resources available to provide technical*
5 *assistance to the management entity to carry out*
6 *its duties under this title (including updating*
7 *and implementing a management plan that is*
8 *submitted under section 105(b) and approved by*
9 *the Secretary and, prior to such approval, pro-*
10 *viding assistance for initiatives, upon the request*
11 *of the management entity the Secretary shall*
12 *provide such assistance on a reimbursable basis.*
13 *This subparagraph does not preclude the Sec-*
14 *retary from providing nonreimbursable assist-*
15 *ance under subparagraph (A).*

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

19 *(A) implementation of the management*
20 *plan;*

21 *(B) provision of educational assistance and*
22 *advice regarding land and water management*
23 *techniques to conserve the significant natural re-*
24 *sources of the region;*

1 (C) development and application of tech-
2 niques promoting the preservation of cultural
3 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 guide brochures, visitor
9 displays, audio-visual and interactive exhibits,
10 and educational curriculum materials for public
11 education; and

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

14 (3) *DOCUMENTATION OF STRUCTURES.*—*The Sec-*
15 *retary, acting through the Historic American Build-*
16 *ing Survey and the Historic American Engineering*
17 *Record, shall conduct studies necessary to document*
18 *the industrial, engineering, building, and architec-*
19 *tural history of the Heritage Area.*

20 (b) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
21 *PLANS.*—*The Secretary, in consultation with the Governor*
22 *of Pennsylvania, shall approve or disapprove a manage-*
23 *ment plan submitted under this title not later than 90 days*
24 *after receiving such plan. In approving the plan, the Sec-*
25 *retary shall take into consideration the following criteria:*

1 (1) *The extent to which the management plan*
2 *adequately preserves and protects the natural, cul-*
3 *tural, and historical resources of the Heritage Area.*

4 (2) *The level of public participation in the devel-*
5 *opment of the management plan.*

6 (3) *The extent to which the board of directors of*
7 *the management entity is representative of the local*
8 *government and a wide range of interested organiza-*
9 *tions and citizens.*

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

17 (d) *APPROVING CHANGES.—The Secretary shall review*
18 *and approve amendments to the management plan under*
19 *section 105(b) that make substantial changes. Funds appro-*
20 *priated under this title may not be expended to implement*
21 *such changes until the Secretary approves the amendments.*

22 **SEC. 107. DUTIES OF OTHER FEDERAL ENTITIES.**

23 *Any Federal entity conducting or supporting activities*
24 *directly affecting the Heritage Area shall—*

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

3 (2) *cooperate with the Secretary and the man-*
4 *agement entity in carrying out their duties under this*
5 *title and, to the maximum extent practicable, coordi-*
6 *nate such activities with the carrying out of such du-*
7 *ties; and*

8 (3) *to the maximum extent practicable, conduct*
9 *or support such activities in a manner that the man-*
10 *agement entity determines shall not have an adverse*
11 *effect on the Heritage Area.*

12 **SEC. 108. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

13 *Nothing in this title shall preclude the management*
14 *entity from using Federal funds available under Acts other*
15 *than this title for the purposes for which those funds were*
16 *authorized.*

17 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 **SEC. 110. TERMINATION OF AUTHORITY.**

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

5 **TITLE II—ARABIA MOUNTAIN**
6 **NATIONAL HERITAGE AREA**

7 **SEC. 201. SHORT TITLE.**

8 *This title may be cited as the “Arabia Mountain Her-*
9 *itage Area Act of 2002”.*

10 **SEC. 202. FINDINGS AND PURPOSES.**

11 *(a) FINDINGS.—Congress finds that—*

12 *(1) the Arabia Mountain area contains a variety*
13 *of natural, cultural, historical, scenic, and rec-*
14 *reational resources that together represent distinctive*
15 *aspects of the heritage of the United States that are*
16 *worthy of recognition, conservation, interpretation,*
17 *and continuing use;*

18 *(2) the best methods for managing the resources*
19 *of the Arabia Mountain area would be through part-*
20 *nerships between public and private entities that com-*
21 *bine diverse resources and active communities;*

22 *(3) Davidson-Arabia Mountain Nature Preserve,*
23 *a 535-acre park in DeKalb County, Georgia—*

24 *(A) protects granite outcrop ecosystems,*
25 *wetland, and pine and oak forests; and*

1 (B) includes federally-protected plant spe-
2 cies;

3 (4) Panola Mountain, a national natural land-
4 mark, located in the 860-acre Panola Mountain State
5 Conservation Park, is a rare example of a pristine
6 granite outcrop;

7 (5) The archaeological site at Miners Creek Pre-
8 serve along the South River contains documented evi-
9 dence of early human activity;

10 (6) the city of Lithonia, Georgia, and related
11 sites of Arabia Mountain and Stone Mountain possess
12 sites that display the history of granite mining as an
13 industry and culture in Georgia, and the impact of
14 that industry on the United States;

15 (7) the community of Klondike is eligible for des-
16 ignation as a National Historic District; and

17 (8) the city of Lithonia has two structures listed
18 on the National Register of Historic Places.

19 (b) PURPOSES.—The purposes of this title are—

20 (1) to recognize, preserve, promote, interpret, and
21 make available for the benefit of the public the nat-
22 ural, cultural, historical, scenic, and recreational re-
23 sources in the area that includes Arabia Mountain,
24 Panola Mountain, Miners Creek, and other signifi-
25 cant sites and communities; and

1 (2) *to assist the state of Georgia and the counties*
2 *of DeKalb, Rockdale, and Henry in the State in de-*
3 *veloping and implementing an integrated cultural,*
4 *historical, and land resource management program to*
5 *protect, enhance, and interpret the significant re-*
6 *sources within the heritage area.*

7 **SEC. 203. DEFINITIONS.**

8 *In this title:*

9 (1) *HERITAGE AREA.*—*The term “heritage area”*
10 *means the Arabia Mountain National Heritage Area*
11 *established by section 204.*

12 (2) *MANAGEMENT ENTITY.*— *The term “manage-*
13 *ment entity” means the Arabia Mountain Heritage*
14 *Area Alliance or its successor.*

15 (3) *MANAGEMENT PLAN.*—*The term “manage-*
16 *ment plan” means the management plan for the her-*
17 *itage area developed under section 206.*

18 (4) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of the Interior.*

20 (5) *STATE.*—*The term “State” means the State*
21 *of Georgia.*

22 **SEC. 204. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

23 (a) *ESTABLISHMENT.*—*There is established the Arabia*
24 *Mountain National Heritage Area in the State.*

1 (b) *BOUNDARIES.*—*The heritage area shall consist of*
2 *certain parcels of land in the counties of DeKalb, Rockdale,*
3 *and Henry in the State, as generally depicted on the map*
4 *entitled “The Preferred Concept” contained in the document*
5 *entitled “Arabia Mountain National Heritage Area Feasi-*
6 *bility Study”, dated February 28, 2001.*

7 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
8 *and available for public inspection in the appropriate of-*
9 *fices of the National Park Service.*

10 (d) *MANAGEMENT ENTITY.*—*The Arabia Mountain*
11 *Heritage Area Alliance shall be the management entity for*
12 *the heritage area.*

13 **SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
14 **ENTITY.**

15 (a) *AUTHORITIES.*—*For purposes of developing and*
16 *implementing the management plan, the management enti-*
17 *ty may—*

18 (1) *make grants to, and enter into cooperative*
19 *agreements with, the State, political subdivisions of*
20 *the State, and private organizations;*

21 (2) *hire and compensate staff; and*

22 (3) *enter into contracts for goods and services.*

23 (b) *DUTIES.*—

24 (1) *MANAGEMENT PLAN.*—

1 (A) *IN GENERAL.*— *The management entity*
2 *shall develop and submit to the Secretary the*
3 *management plan.*

4 (B) *CONSIDERATIONS.*—*In developing and*
5 *implementing the management plan, the man-*
6 *agement entity shall consider the interests of di-*
7 *verse governmental, business, and nonprofit*
8 *groups within the heritage area.*

9 (2) *PRIORITIES.*—*The management entity shall*
10 *give priority to implementing actions described in the*
11 *management plan, including—*

12 (A) *assisting units of government and non-*
13 *profit organizations in preserving resources*
14 *within the heritage area; and*

15 (B) *encouraging local governments to adopt*
16 *land use policies consistent with the management*
17 *of the heritage area and the goals of the manage-*
18 *ment plan.*

19 (3) *PUBLIC MEETINGS.*—*The management entity*
20 *shall conduct public meetings at least quarterly on the*
21 *implementation of the management plan.*

22 (4) *ANNUAL REPORT.*—*For any year in which*
23 *Federal funds have been made available under this*
24 *title, the management entity shall submit to the Sec-*
25 *retary an annual report that describes—*

1 (A) *the accomplishments of the management*
2 *entity; and*

3 (B) *the expenses and income of the manage-*
4 *ment entity.*

5 (5) *AUDIT.—The management entity shall—*

6 (A) *make available to the Secretary for*
7 *audit all records relating to the expenditure of*
8 *Federal funds and any matching funds; and*

9 (B) *require, with respect to all agreements*
10 *authorizing expenditure of Federal funds by*
11 *other organizations, that the receiving organiza-*
12 *tions make available to the Secretary for audit*
13 *all records concerning the expenditure of those*
14 *funds.*

15 (c) *USE OF FEDERAL FUNDS.—*

16 (1) *IN GENERAL.—The management entity shall*
17 *not use Federal funds made available under this title*
18 *to acquire real property or an interest in real prop-*
19 *erty.*

20 (2) *OTHER SOURCES.—Nothing in this title pre-*
21 *cludes the management entity from using Federal*
22 *funds made available under other Federal laws for*
23 *any purpose for which the funds are authorized to be*
24 *used.*

1 **SEC. 206. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—*The management entity shall de-*
3 *velop a management plan for the heritage area that incor-*
4 *porates an integrated and cooperative approach to protect,*
5 *interpret, and enhance the natural, cultural, historical, sce-*
6 *nic, and recreational resources of the heritage area.*

7 (b) *BASIS.*—*The management plan shall be based on*
8 *the preferred concept in the document entitled “Arab Moun-*
9 *tain National Heritage Area Feasibility Study”, dated Feb-*
10 *ruary 28, 2001.*

11 (c) *CONSIDERATION OF OTHER PLANS AND AC-*
12 *TIONS.*—*The management plan shall—*

13 (1) *take into consideration State and local plans;*
14 *and*

15 (2) *involve residents, public agencies, and pri-*
16 *vate organizations in the heritage area.*

17 (d) *REQUIREMENTS.*—*The management plan shall*
18 *include—*

19 (1) *an inventory of the resources in the heritage*
20 *area, including—*

21 (A) *a list of property in the heritage area*
22 *that—*

23 (i) *relates to the purposes of the herit-*
24 *age area; and*

1 (ii) should be preserved, restored, man-
2 aged, or maintained because of the signifi-
3 cance of the property; and

4 (B) an assessment of cultural landscapes
5 within the heritage area;

6 (2) provisions for the protection, interpretation,
7 and enjoyment of the resources of the heritage area
8 consistent with the purposes of this title;

9 (3) an interpretation plan for the heritage area;

10 (4) a program for implementation of the man-
11 agement plan that includes—

12 (A) actions to be carried out by units of
13 government, private organizations, and public-
14 private partnerships to protect the resources of
15 the heritage area; and

16 (B) the identification of existing and poten-
17 tial sources of funding for implementing the
18 plan; and

19 (5) a description and evaluation of the manage-
20 ment entity, including the membership and organiza-
21 tional structure of the management entity.

22 (e) *SUBMISSION TO SECRETARY FOR APPROVAL.*—

23 (1) *IN GENERAL.*—Not later than 3 years after
24 the date of enactment of this title, the management

1 *entity shall submit the management plan to the Sec-*
2 *retary for approval.*

3 (2) *EFFECT OF FAILURE TO SUBMIT.*—*If a man-*
4 *agement plan is not submitted to the Secretary by the*
5 *date specified in paragraph (1), the Secretary shall*
6 *not provide any additional funding under this title*
7 *until such date as a management plan for the herit-*
8 *age area is submitted to the Secretary.*

9 (f) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
10 *PLAN.*—

11 (1) *IN GENERAL.*—*Not later than 90 days after*
12 *receiving the management plan submitted under sub-*
13 *section (e), the Secretary, in consultation with the*
14 *State, shall approve or disapprove the management*
15 *plan.*

16 (2) *ACTION FOLLOWING DISAPPROVAL.*—

17 (A) *REVISION.*—*If the Secretary dis-*
18 *approves a management plan submitted under*
19 *paragraph (1), the Secretary shall—*

20 (i) *advise the management entity in*
21 *writing of the reasons for the disapproval;*

22 (ii) *make recommendations for revi-*
23 *sions to the management plan; and*

1 (iii) allow the management entity to
2 submit to the Secretary revisions to the
3 management plan.

4 (B) *DEADLINE FOR APPROVAL OF RE-*
5 *VISION.—Not later than 90 days after the date*
6 *on which a revision is submitted under subpara-*
7 *graph (A)(iii), the Secretary shall approve or*
8 *disapprove the revision.*

9 (g) *REVISION OF MANAGEMENT PLAN.—*

10 (1) *IN GENERAL.—After approval by the Sec-*
11 *retary of a management plan, the management entity*
12 *shall periodically—*

13 (A) *review the management plan; and*

14 (B) *submit to the Secretary, for review and*
15 *approval by the Secretary, the recommendations*
16 *of the management entity for any revisions to*
17 *the management plan that the management enti-*
18 *ty considers to be appropriate.*

19 (2) *EXPENDITURE OF FUNDS.—No funds made*
20 *available under this title shall be used to implement*
21 *any revision proposed by the management entity*
22 *under paragraph (1)(B) until the Secretary approves*
23 *the revision.*

1 **SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE.**

2 (a) *IN GENERAL.*—*At the request of the management*
3 *entity, the Secretary may provide technical and financial*
4 *assistance to the heritage area to develop and implement*
5 *the management plan.*

6 (b) *PRIORITY.*—*In providing assistance under sub-*
7 *section (a), the Secretary shall give priority to actions that*
8 *facilitate—*

9 (1) *the conservation of the significant natural,*
10 *cultural, historical, scenic, and recreational resources*
11 *that support the purposes of the heritage area; and*

12 (2) *the provision of educational, interpretive,*
13 *and recreational opportunities that are consistent*
14 *with the resources and associated values of the herit-*
15 *age area.*

16 **SEC. 208. EFFECT ON CERTAIN AUTHORITY.**

17 (a) *OCCUPATIONAL, SAFETY, CONSERVATION, AND EN-*
18 *VIRONMENTAL REGULATION.*—*Nothing in this title—*

19 (1) *imposes an occupational, safety, conserva-*
20 *tion, or environmental regulation on the heritage area*
21 *that is more stringent than the regulations that would*
22 *be applicable to the land described in section 204(b)*
23 *but for the establishment of the heritage area by sec-*
24 *tion 204; or*

25 (2) *authorizes a Federal agency to promulgate*
26 *an occupational, safety, conservation, or environ-*

1 *mental regulation for the heritage area that is more*
2 *stringent than the regulations applicable to the land*
3 *described in section 204(b) as of the date of enactment*
4 *of this title, solely as a result of the establishment of*
5 *the heritage area by section 204.*

6 *(b) LAND USE REGULATION.—Nothing in this title—*

7 *(1) modifies, enlarges, or diminishes any author-*
8 *ity of the Federal Government or a State or local gov-*
9 *ernment to regulate any use of land as provided for*
10 *by law (including regulations) in existence on the*
11 *date of enactment of this title; or*

12 *(2) grants powers of zoning or land use to the*
13 *management entity.*

14 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

15 *(a) IN GENERAL.—There are authorized to be appro-*
16 *priated to carry out this title \$10,000,000, of which not*
17 *more than \$1,000,000 may be authorized to be appropriated*
18 *for any fiscal year.*

19 *(b) COST-SHARING REQUIREMENT.—The Federal*
20 *share of the total cost of any activity assisted under this*
21 *title shall be not more than 50 percent.*

22 **SEC. 210. TERMINATION OF AUTHORITY.**

23 *The authority of the Secretary to provide assistance*
24 *under this title terminates on the date that is 15 years after*
25 *the date of enactment of this title.*

1 **TITLE III—FREEDOM’S WAY**
2 **NATIONAL HERITAGE AREA**

3 **SEC. 301. SHORT TITLE.**

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

6 **SEC. 302. 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 6*
10 *communities in New Hampshire have made impor-*
11 *tant and distinctive contributions to the national*
12 *character of America;*

13 (2) *recognizing and protecting those legacies will*
14 *help sustain the quality of life in the future;*

15 (3) *significant legacies of the area include—*

16 (A) *the early settlement of the United States*
17 *and the early evolution of democratic forms of*
18 *government;*

19 (B) *the development of intellectual tradi-*
20 *tions of the philosophies of freedom, democracy,*
21 *and conservation;*

22 (C) *the evolution of social ideas and reli-*
23 *gious freedom;*

24 (D) *the role of immigrants and industry in*
25 *contributing to ethnic diversity;*

1 (E) *Native American and African Amer-*
2 *ican resources; and*

3 (F) *the role of innovation and invention in*
4 *cottage industries;*

5 (4) *the communities in the area know the value*
6 *of the legacies but need a cooperative framework and*
7 *technical assistance to achieve important goals by*
8 *working together;*

9 (5) *there is a Federal interest in supporting the*
10 *development of a regional framework to assist the*
11 *States, local governments, local organizations, and*
12 *other persons in the region with conserving, pro-*
13 *tecting, and bringing recognition to the heritage of the*
14 *area for the educational and recreation benefit of fu-*
15 *ture generations of Americans;*

16 (6) *significant examples of the area's resources*
17 *include—*

18 (A) *Walden Pond State Reservation in Con-*
19 *cord, Massachusetts;*

20 (B) *Minute Man National Historical Park*
21 *in the State of Massachusetts;*

22 (C) *Shaker Villages in Shirley and Harvard*
23 *in the State of Massachusetts;*

1 (D) Wachusett Mountain State Reservation,
2 Fitchburg Art Museum, and Barrett House in
3 New Ipswich, New Hampshire; and

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

6 (7) the study entitled “Freedom’s Way Heritage
7 Area Feasibility Study”, prepared by the Freedom’s
8 Way Heritage Association, Inc., and the Massachu-
9 setts Department of Environmental Management,
10 demonstrates that there are sufficient nationally dis-
11 tinctive historical resources necessary to establish the
12 Freedom’s Way National Heritage Area; and

13 (8) the Freedom’s Way Heritage Association,
14 Inc., should oversee the development of the Freedom’s
15 Way National Heritage Area.

16 (b) PURPOSES.—The purposes of this title are—

17 (1) to foster a close working relationship between
18 the Secretary and all levels of government, the private
19 sector, and local communities in the States of Massa-
20 chusetts and New Hampshire;

21 (2) to assist the entities referred to in paragraph
22 (1) in preserving the special historic identity of the
23 Heritage Area; and

24 (3) to manage, preserve, protect, and interpret
25 the cultural, historical, and natural resources of the

1 *Heritage Area for the educational and inspirational*
2 *benefit of future generations.*

3 **SEC. 303. DEFINITIONS.**

4 *In this title:*

5 (1) *HERITAGE AREA.*—*The term “Heritage*
6 *Area” means the Freedom’s Way National Heritage*
7 *Area established by section 304(a).*

8 (2) *MANAGEMENT ENTITY.*—*The term “manage-*
9 *ment entity” means the management entity for the*
10 *Heritage Area designated by section 304(d).*

11 (3) *MANAGEMENT PLAN.*—*The term “manage-*
12 *ment plan” means the management plan for the Her-*
13 *itage Area developed under section 305.*

14 (4) *MAP.*—*The term “Map” means the map enti-*
15 *tled “Freedom’s Way National Heritage Area”, num-*
16 *bered FRWA P-75/80,000 and dated July 2002.*

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

19 **SEC. 304. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

20 (a) *ESTABLISHMENT.*—*There is established the Free-*
21 *dom’s Way National Heritage Area in the States of Massa-*
22 *chusetts and New Hampshire.*

23 (b) *BOUNDARIES.*—

1 (1) *IN GENERAL.*—*The Heritage Area shall con-*
2 *sist of the land within the boundaries of the Heritage*
3 *Area, as depicted on the Map.*

4 (2) *REVISION.*—*The boundaries of the Heritage*
5 *Area may be revised if the revision is—*

6 (A) *proposed in the management plan;*

7 (B) *approved by the Secretary in accord-*
8 *ance with section 305(c); and*

9 (C) *placed on file in accordance with sub-*
10 *section (c).*

11 (c) *MAP AND LEGAL DESCRIPTION.*—

12 (1) *IN GENERAL.*—*As soon as practicable after*
13 *the date of enactment of this Act, the Secretary shall*
14 *publish in the Federal Register a legal description of*
15 *the Heritage Area.*

16 (2) *AVAILABILITY.*—*The Map shall be on file and*
17 *available for public inspection in the appropriate of-*
18 *fices of the National Park Service.*

19 (d) *MANAGEMENT ENTITY.*—*The Freedom’s Way Her-*
20 *itage Association, Inc., shall serve as the management entity*
21 *for the Heritage Area.*

22 **SEC. 305. MANAGEMENT PLAN.**

23 (A) *IN GENERAL.*—*Not later than 3 years after the*
24 *date of enactment of this Act, the management entity shall*
25 *develop and submit to the Secretary for approval a manage-*

1 *ment plan for the Heritage Area that presents comprehen-*
2 *sive recommendations and strategies for the conservation,*
3 *funding, management, and development of the Heritage*
4 *Area.*

5 *(b) REQUIREMENTS.—The management plan shall—*

6 *(1) take into consideration and coordinate Fed-*
7 *eral, State, and local plans to present a unified his-*
8 *toric preservation and interpretation plan;*

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

11 *(3) describe actions that units of government and*
12 *private organizations recommend for the protection of*
13 *the resources of the Heritage Area;*

14 *(4) identify existing and potential sources of*
15 *Federal and non-Federal funding for the conservation,*
16 *management, and development of the Heritage Area;*
17 *and*

18 *(5) include—*

19 *(A) an inventory of the cultural, historic,*
20 *natural, or recreational resources contained in*
21 *the Heritage Area, including a list of property*
22 *that—*

23 *(i) is related to the themes of the Herit-*
24 *age Area; and*

1 (ii) should be conserved, restored, man-
2 aged, developed, or maintained;

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

5 (i) apply appropriate land and water
6 management techniques;

7 (ii) develop intergovernmental coopera-
8 tive agreements to manage and protect the
9 cultural, historic, and natural resources and
10 recreation opportunities of the Heritage
11 Area; and

12 (iii) support economic revitalization
13 efforts;

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

16 (i) identifies the roles of agencies and
17 organizations that are involved in the im-
18 plementation of the management plan and
19 the role of the management entity;

20 (ii) includes—

21 (I) restoration and construction
22 plans or goals;

23 (II) a program of public involve-
24 ment;

25 (III) annual work plans; and

1 (IV) annual reports;

2 (D) an analysis of ways in which Federal,
3 State, and local programs may best be coordi-
4 nated to promote the purposes of this title;

5 (E) an interpretive and educational plan
6 for the Heritage Area;

7 (F) any revisions proposed by the manage-
8 ment entity to the boundaries of the Heritage
9 Area and requested by the affected local govern-
10 ment; and

11 (G) a process to provide public access to the
12 management entity for the purpose of attempting
13 to resolve informally any disputes arising from
14 the management plan.

15 (c) *FAILURE TO SUBMIT.*—If the management entity
16 fails to submit the management plan to the Secretary in
17 accordance with subsection (a), the Heritage Area shall no
18 longer qualify for Federal funding.

19 (d) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*
20 *PLAN.*—

21 (1) *IN GENERAL.*—Not later than 90 days after
22 receipt of the management plan under subsection (a),
23 the Secretary shall approve or disapprove the man-
24 agement plan.

1 (2) *CRITERIA.*—*In determining whether to ap-*
2 *prove the management plan, the Secretary shall con-*
3 *sider whether—*

4 (A) *the management entity afforded ade-*
5 *quate opportunity, including public hearings, for*
6 *public and governmental involvement in the*
7 *preparation of the management plan;*

8 (B) *the resource protection and interpreta-*
9 *tion strategies contained in the management*
10 *plan would adequately protect the cultural and*
11 *historic resources of the Heritage Area; and*

12 (C) *the Secretary has received adequate as-*
13 *surances from the appropriate State and local*
14 *officials whose support is needed to ensure the ef-*
15 *fective implementation of the State and local as-*
16 *pects of the management plan.*

17 (3) *ACTION FOLLOWING DISAPPROVAL.*—*If the*
18 *Secretary disapproves the management plan under*
19 *paragraph (1), the Secretary shall—*

20 (A) *advise the management entity in writ-*
21 *ing of the reasons for the disapproval;*

22 (B) *make recommendations for revisions to*
23 *the management plan; and*

24 (C) *not later than 60 days after the receipt*
25 *of any proposed revision of the management*

1 *plan from the management entity, approve or*
2 *disapprove the proposed revision.*

3 *(e) AMENDMENTS.—*

4 *(1) IN GENERAL.—In accordance with subsection*
5 *(b), the Secretary shall approve or disapprove each*
6 *amendment to the management plan that the Sec-*
7 *retary determines may make a substantial change to*
8 *the management plan.*

9 *(2) USE OF FUNDS.—Funds made available*
10 *under this title shall not be expended by the manage-*
11 *ment entity to implement an amendment described in*
12 *paragraph (1) until the Secretary approves the*
13 *amendment.*

14 **SEC. 306. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
15 **ENTITY.**

16 *(a) AUTHORITIES.—The Management Entity may, for*
17 *purposes of preparing and implementing the management*
18 *plan, use funds made available under this title to—*

19 *(1) make grants to, and enter into cooperative*
20 *agreements with, the States of Massachusetts and New*
21 *Hampshire (including a political subdivision thereof),*
22 *a nonprofit organizations, or any person;*

23 *(2) hire and compensate staff;*

24 *(3) obtain funds from any source (including a*
25 *program that has a cost-sharing requirement); and*

1 (4) *contract for goods and services.*

2 (b) *DUTIES OF THE MANAGEMENT ENTITY.—In addi-*
3 *tion to developing the management plan, the management*
4 *entity shall—*

5 (1) *give priority to the implementation of ac-*
6 *tions, goals, and strategies set forth in the manage-*
7 *ment plan, including assisting units of government*
8 *and other persons in—*

9 (A) *carrying out the programs that recog-*
10 *nize and protect important resource values in the*
11 *Heritage Area;*

12 (B) *encouraging economic viability in the*
13 *Heritage Area in accordance with the goals of*
14 *the management plan;*

15 (C) *establishing and maintaining interpre-*
16 *tive exhibits in the Heritage Area;*

17 (D) *developing recreational and educational*
18 *opportunities in the Heritage Area;*

19 (E) *increasing public awareness of and ap-*
20 *preciation for the cultural, historical, and nat-*
21 *ural resources of the Heritage Area;*

22 (F) *restoring historic buildings that are lo-*
23 *cated in the Heritage Area and relate to the*
24 *themes of the Heritage Area; and*

1 (G) installing throughout the Heritage Area
2 clear, consistent, and appropriate signs identi-
3 fying public access points and sites of interest;

4 (2) prepare and implement the management
5 plan while considering the interests of diverse units of
6 government, businesses, private property owners, and
7 nonprofit groups within the Heritage Area;

8 (3) conduct public meetings at least quarterly re-
9 garding the development and implementation of the
10 management plan;

11 (4) for any fiscal year for which Federal funds
12 are received under this title—

13 (A) submit to the Secretary a report that
14 describes, for the year—

15 (i) the accomplishments of the manage-
16 ment entity;

17 (ii) the expenses and income of the
18 management entity; and

19 (iii) each entity to which a grant was
20 made;

21 (B) make available for audit by Congress,
22 the Secretary, and appropriate units of govern-
23 ments, all records pertaining to the expenditure
24 of the funds and any matching funds; and

1 (C) require, for all agreements authorizing
2 expenditure of Federal funds by any entity, that
3 the receiving entity make available for audit all
4 records pertaining to the expenditure of the
5 funds.

6 (c) *PROHIBITION ON THE ACQUISITION OF REAL*
7 *PROPERTY.*—

8 (1) *FEDERAL FUNDS.*—*The management entity*
9 *shall not use Federal funds made available under this*
10 *title to acquire real property or any interest in real*
11 *property.*

12 (2) *OTHER FUNDS.*—*Notwithstanding paragraph*
13 *(1), the management entity may acquire real prop-*
14 *erty or an interest in real property using non-Federal*
15 *funds.*

16 **SEC. 307. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
17 **FEDERAL AGENCIES.**

18 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

19 (1) *IN GENERAL.*—*On the request of the manage-*
20 *ment entity, the Secretary may provide technical and*
21 *financial assistance for the development and imple-*
22 *mentation of the management plan.*

23 (2) *PRIORITY FOR ASSISTANCE.*—*In providing*
24 *assistance under paragraph (1), the Secretary shall*
25 *give priority to actions that assist in—*

1 (A) conserving the significant cultural, his-
2 toric, and natural resources of the Heritage
3 Area; and

4 (B) providing educational, interpretive, and
5 recreational opportunities consistent with the
6 purposes of the Heritage Area.

7 (3) *SPENDING ON NON-FEDERAL PROPERTY.*—
8 The management entity may expend Federal funds
9 made available under this title on nonfederally owned
10 property that is—

11 (A) identified in the management plan; or

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

14 (4) *OTHER ASSISTANCE.*—The Secretary may
15 enter into cooperative agreements with public and
16 private organizations to carry out this subsection.

17 (b) *OTHER FEDERAL AGENCIES.*—Any Federal entity
18 conducting or supporting an activity that directly affects
19 the Heritage Area shall—

20 (1) consider the potential effect of the activity on
21 the purposes of the Heritage Area and the manage-
22 ment plan;

23 (2) consult with the management entity regard-
24 ing the activity; and

1 (3) *to the maximum extent practicable, conduct*
2 *or support the activity to avoid adverse effects on the*
3 *Heritage Area.*

4 **SEC. 308. LAND USE REGULATION; APPLICABILITY OF FED-**
5 **ERAL LAW.**

6 (a) *LAND USE REGULATION.—*

7 (1) *IN GENERAL.—The management entity shall*
8 *provide assistance and encouragement to State and*
9 *local governments, private organizations, and persons*
10 *to protect and promote the resources and values of the*
11 *Heritage Area.*

12 (2) *EFFECT.—Nothing in this title—*

13 (A) *Affects the authority of the State or*
14 *local governments to regulate under law any use*
15 *of land; or*

16 (B) *grants any power of zoning or land use*
17 *to the management entity.*

18 (b) *PRIVATE PROPERTY.—*

19 (1) *IN GENERAL.—The management entity shall*
20 *be an advocate for land management practices con-*
21 *sistent with the purposes of the Heritage Area.*

22 (2) *EFFECT.—Nothing in this title—*

23 (A) *abridges the rights of any person with*
24 *regard to private property;*

1 (B) affects the authority of the State or
2 local government regarding private property; or
3 (C) imposes any additional burden on any
4 property owner.

5 **SEC. 309. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) *IN GENERAL.*—There is authorized to be appro-
7 priated to carry out this title \$10,000,000, of which not
8 more than \$1,000,000 may be authorized to be appropriated
9 for any fiscal year.

10 (b) *COST-SHARING REQUIREMENT.*—The Federal
11 share of the total cost of any activity assisted under this
12 title shall be not more than 50 percent.

13 **SEC. 310. TERMINATION OF AUTHORITY.**

14 The authority of the Secretary to provide assistance
15 under this title terminates on the date that is 15 years after
16 the date of enactment of this Act.

17 **TITLE IV—GREAT BASIN**
18 **NATIONAL HERITAGE AREA**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Great Basin National
21 Heritage Area Act of 2002.”

22 **SEC. 402. FINDINGS AND PURPOSES.**

23 (a) *FINDINGS.*—Congress finds that—

1 (1) *the natural, cultural, and historic heritage of*
2 *the North American Great Basin is nationally sig-*
3 *nificant;*

4 (2) *communities in the Great Basin Heritage*
5 *Area (including the towns of Delta, Utah, Ely, Ne-*
6 *vada, and the surrounding communities) are located*
7 *in a classic western landscape that contains long nat-*
8 *ural visits, isolated higher desert valleys, mountain*
9 *ranges, ranches, mines, historic railroads, archae-*
10 *ological sites, and tribal communities;*

11 (3) *the Native American, pioneer, ranching,*
12 *mining, timber, and railroad heritages in the Great*
13 *Basin Heritage Area include the social history and*
14 *living cultural traditions of a rich diversity of na-*
15 *tionalities;*

16 (4) *the pioneer, Mormon and other religious set-*
17 *tlements, ranching, timber, and mining activities of*
18 *the region played and continue to play a significant*
19 *role in the development of the United States, shaped*
20 *by—*

21 (A) *the unique geography of the Great*
22 *Basin;*

23 (B) *an influx of people of Greek, Chinese,*
24 *Basque, Serb, Croat, Italian, and Hispanic de-*
25 *scend; and*

1 (C) a Native American presence (Western
2 Shoshone, Northern and Southern Paiute, and
3 Goshute) that continues in the Great Basin
4 today;

5 (5) the Great Basin housed internment camps
6 for Japanese-American citizens during World War II,
7 one of which, Topaz, was located within the Heritage
8 Area;

9 (6) the pioneer heritage of the Heritage Area in-
10 cludes the Pony Express route and stations, the Over-
11 land Stage, and many examples of 19th century ex-
12 ploration of the western United States;

13 (7) the Native American heritage of the Heritage
14 Area dates back thousands of years and includes—

15 (A) archaeological sites;

16 (B) petroglyphs and pictographs;

17 (C) the westernmost village of the Fremont
18 culture; and

19 (D) communities of Western Shoshone, Pai-
20 ute, and Goshute tribes;

21 (8) the Heritage Area contains multiple bio-
22 logically diverse ecological communities that are home
23 to exceptional species such as—

24 (A) bristlecone pines, the oldest living trees
25 in the world;

1 (B) wildlife adapted to harsh desert condi-
2 tions;

3 (C) unique plant communities, lakes, and
4 streams; and

5 (D) native Bonneville cutthroat trout;

6 (9) the air and water quality of the Heritage
7 Area is among the best in the United States, and the
8 clear air permits outstanding viewing of the night
9 skies;

10 (10) the Heritage Area includes unique and out-
11 standing geologic features such as numerous limestone
12 caves, classic basin and range topography with playa
13 lakes, alluvial fans, volcanics, cold and hot springs,
14 and recognizable features of ancient Lake Bonneville;

15 (11) the Heritage Area includes an unusual va-
16 riety of open space and recreational and educational
17 opportunities because of the great quantity of ranch-
18 ing activity and public land (including city, county,
19 and State parks, national forests, Bureau of Land
20 Management land, and a national park);

21 (12) there are significant archaeological, histor-
22 ical, cultural, natural, scenic, and recreational re-
23 sources in the Great Basin to merit the involvement
24 of the Federal Government in the development, in co-
25 operation with the Great Basin Heritage Area Part-

1 *nership and other local and governmental entities, of*
2 *programs and projects to—*

3 *(A) adequately conserve, protect, and inter-*
4 *pret the heritage of the Great Basin for present*
5 *and future generations; and*

6 *(B) provide opportunities in the Great*
7 *Basin for education; and*

8 *(13) the Great Basin Heritage Area Partnership*
9 *shall serve as the management entity for a Heritage*
10 *Area established in the Great Basin.*

11 *(b) PURPOSES.—The purposes of this title are—*

12 *(1) to foster a close working relationship with all*
13 *levels of government, the private sector, and the local*
14 *communities within White Pine County, Nevada, Mil-*
15 *lard County, Utah, and the Duckwater Shoshone Res-*
16 *ervation;*

17 *(2) to enable communities referred to in para-*
18 *graph (1) to conserve their heritage while continuing*
19 *to develop economic opportunities; and*

20 *(3) to conserve, interpret, and develop the ar-*
21 *chaeological, historical, cultural, natural, scenic, and*
22 *recreational resources related to the unique ranching,*
23 *industrial, and cultural heritage of the Great Basin,*
24 *in a manner that promotes multiple uses permitted as*

1 of the date of enactment of this title, without man-
2 aging or regulating land use.

3 **SEC. 403. DEFINITIONS.**

4 *In this title:*

5 (1) *GREAT BASIN.*—The term “Great Basin”
6 means the North American Great Basin.

7 (2) *HERITAGE AREA.*—The term “Heritage
8 Area” means the Great Basin National Heritage Area
9 established by section 404(a).

10 (3) *MANAGEMENT ENTITY.*—The term “manage-
11 ment entity” means the Great Basin Heritage Area
12 Partnership established by section 404(c).

13 (4) *MANAGEMENT PLAN.*—The term “manage-
14 ment plan” means the plan developed by the manage-
15 ment entity under section 406(a).

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

18 **SEC. 404. GREAT BASIN NATIONAL HERITAGE AREA.**

19 (a) *ESTABLISHMENT.*—There is established the Great
20 Basin National Heritage Area.

21 (b) *COMPOSITION.*—The Heritage Area shall include
22 historical, cultural, natural, scenic, and recreational re-
23 sources within White Pine County, Nevada, Millard Coun-
24 ty, Utah, and the Duckwater Shoshone Reservation in Nye
25 County, Nevada. The boundaries of the Heritage Area shall

1 *be specified in detail in the management plan developed*
2 *in section 406.*

3 (c) *MANAGEMENT ENTITY.—*

4 (1) *IN GENERAL.—The Great Basin Heritage*
5 *Area Partnership shall serve as the management enti-*
6 *ty for the Heritage Area.*

7 (2) *BOARD OF DIRECTORS.—The Great Basin*
8 *Heritage Area Partnership shall be governed by a*
9 *board of directors that consists of—*

10 (A) *4 members who are appointed by the*
11 *Board of County Commissioners for Millard*
12 *County, Utah;*

13 (B) *4 members who are appointed by the*
14 *Board of County Commissioners for White Pine*
15 *County, Nevada; and*

16 (C) *a representative appointed by each Na-*
17 *tive American Tribe participating in the Herit-*
18 *age Area.*

19 **SEC. 405. MEMORANDUM OF UNDERSTANDING.**

20 (a) *IN GENERAL.—In carrying out this title, the Sec-*
21 *retary, in consultation with the Governors of the States of*
22 *Nevada and Utah, and each tribe participating in the Her-*
23 *itage Area, shall enter into a memorandum of under-*
24 *standing with the management entity.*

1 (b) *INCLUSIONS.*—*The memorandum of understanding*
2 *shall include information relating to the objectives and*
3 *management of the Heritage Area, including—*

4 (1) *a description of the resources within the Her-*
5 *itage Area;*

6 (2) *a discussion of the goals and objectives of the*
7 *Heritage Area, including—*

8 (A) *an explanation of the proposed ap-*
9 *proach to conservation, development, and inter-*
10 *pretation; and*

11 (B) *a general outline of the anticipated pro-*
12 *tection and development measures;*

13 (3) *a description of the management entity;*

14 (4) *a list and statement of the financial commit-*
15 *ment of the initial partners to be involved in devel-*
16 *oping and implementing the management plan; and*

17 (5) *a description of the role of the States of Ne-*
18 *vada and Utah in the management of the Heritage*
19 *Area.*

20 (c) *ADDITIONAL REQUIREMENTS.*—*In developing the*
21 *terms of the memorandum of understanding, the Secretary*
22 *and the management entity shall—*

23 (1) *provide opportunities for local participation;*
24 *and*

1 (2) *include terms that ensure, to the maximum*
 2 *extent practicable, timely implementation of all as-*
 3 *pects of the memorandum of understanding.*

4 (d) *AMENDMENTS.—*

5 (1) *IN GENERAL.—The Secretary shall review*
 6 *any amendments of the memorandum of under-*
 7 *standing proposed by the management entity or the*
 8 *Governor of the State of Nevada or Utah.*

9 (2) *USE OF FUNDS.—Funds made available*
 10 *under this title shall not be expended to implement a*
 11 *change made by a proposed amendment described in*
 12 *paragraph (1) until the Secretary approves the*
 13 *amendment.*

14 **SEC. 406. MANAGEMENT PLAN.**

15 (a) *IN GENERAL.—Not later than 3 years after the*
 16 *date of enactment of this title, the management entity shall*
 17 *develop and submit to the Secretary for approval a manage-*
 18 *ment plan for the Heritage Area that presents clear and*
 19 *comprehensive recommendations for the conservation, fund-*
 20 *ing, management, and development of the Heritage Area.*

21 (b) *CONSIDERATIONS.—In developing the management*
 22 *plan, the management entity shall—*

23 (1) *provide for the participation of local resi-*
 24 *dents, public agencies, and private organizations lo-*
 25 *cated within the counties of Millard County, Utah,*

1 *White Pine County, Nevada, and the Duckwater Sho-*
2 *shone Reservation in the protection and development*
3 *of resources of the Heritage Area, taking into consid-*
4 *eration State, tribal, county, and local land use plans*
5 *in existence on the date of enactment of this title;*

6 *(2) identify sources of funding; and*

7 *(3) include—*

8 *(A) an inventory of the archaeological, his-*
9 *torical, cultural, natural, scenic, and rec-*
10 *reational resources contained in the Heritage*
11 *Area, including a list of public and tribal prop-*
12 *erty that—*

13 *(i) is related to the themes of the Herit-*
14 *age Area; and*

15 *(ii) should be preserved, restored, man-*
16 *aged, developed, or maintained because of*
17 *the archaeological, historical, cultural, nat-*
18 *ural, scenic, and recreational significance of*
19 *the property;*

20 *(B) a program for implementation of the*
21 *management plan by the management entity,*
22 *including—*

23 *(i) plans for restoration, stabilization,*
24 *rehabilitation, and construction of public or*
25 *tribal property; and*

1 (ii) specific commitments by the iden-
2 tified partners referred to in section
3 405(b)(4) for the first 5 years of operation;
4 and

5 (C) an interpretation plan for the Heritage
6 Area; and

7 (4) develop a management plan that will not in-
8 fringe on private property rights without the consent
9 of the owner of the private property.

10 (c) *FAILURE TO SUBMIT.*—If the management entity
11 fails to submit a management plan to the Secretary in ac-
12 cordance with subsection (a), the Heritage Area shall no
13 longer qualify for Federal funding.

14 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
15 *PLAN.*—

16 (1) *IN GENERAL.*—Not later than 90 days after
17 receipt of a management plan under subsection (a),
18 the Secretary, in consultation with the Governors of
19 the States of Nevada and Utah, shall approve or dis-
20 approve the management plan.

21 (2) *CRITERIA.*—In determining whether to ap-
22 prove a management plan, the Secretary shall con-
23 sider whether the management plan—

24 (A) has strong local support from a diver-
25 sity of landowners, business interests, nonprofit

1 *organizations, and governments within the Her-*
2 *itage Area;*

3 *(B) is consistent with an complements con-*
4 *tinued economic activity in the Heritage Area;*

5 *(C) has a high potential for effective part-*
6 *nership mechanisms;*

7 *(D) infringes on private property rights;*
8 *and*

9 *(E) provides methods to take appropriate*
10 *action to ensure that private property rights are*
11 *observed.*

12 (3) *ACTION FOLLOWING DISAPPROVAL.—If the*
13 *Secretary disapproves a management plan under sub-*
14 *section (d)(1), the Secretary shall—*

15 *(A) advise the management entity in writ-*
16 *ing of the reasons for the disapproval;*

17 *(B) make recommendations for revisions to*
18 *the management plan; and*

19 *(C) not later than 90 days after the receipt*
20 *of any proposed revision of the management*
21 *plan from the management entity, approve or*
22 *disapprove the proposed revision.*

23 (e) *IMPLEMENTATION.—On approval of the manage-*
24 *ment plan as provided in section 406(d)(1), the manage-*

1 *ment entity, in conjunction with the Secretary, shall take*
2 *appropriate steps to implement the management plan.*

3 *(f) AMENDMENTS.—*

4 *(1) IN GENERAL.—The Secretary shall review*
5 *each amendment to the management plan that the*
6 *Secretary determines may make a substantial change*
7 *to the management plan.*

8 *(2) USE OF FUNDS.—Funds made available*
9 *under this title shall not be expended to implement an*
10 *amendment described in paragraph (1) until the Sec-*
11 *retary approves the amendment.*

12 **SEC. 407. AUTHORITY AND DUTIES OF MANAGEMENT ENTI-**
13 **TY.**

14 *(a) AUTHORITIES.—The management entity may, for*
15 *purposes of preparing and implementing the management*
16 *plan, use funds made available under this title to—*

17 *(1) make grants to, and enter into cooperative*
18 *agreements with, a State (including a political sub-*
19 *division), a tribe, a private organization, or any per-*
20 *son; and*

21 *(2) hire and compensate staff.*

22 *(b) DUTIES.—In addition to developing the manage-*
23 *ment plan, the management entity shall—*

1 (1) *give priority to implementing the memo-*
2 *randum of understanding and the management plan,*
3 *including taking steps to—*

4 (A) *assist units of government, regional*
5 *planning organizations, and nonprofit organiza-*
6 *tions in—*

7 (i) *establishing and maintaining inter-*
8 *pretive exhibits in the Heritage Area;*

9 (ii) *developing recreational resources*
10 *in the Heritage Area;*

11 (iii) *increasing public awareness of*
12 *and appreciation for the archaeological, his-*
13 *torical, cultural, natural, scenic, and rec-*
14 *reational resources and sites in the Heritage*
15 *Area; and*

16 (iv) *if requested by the owner, restor-*
17 *ing, stabilizing, or rehabilitating any pri-*
18 *vate, public, or tribal historical building re-*
19 *lating to the themes of the Heritage Area;*

20 (B) *encourage economic viability and diver-*
21 *sity in the Heritage Area in accordance with the*
22 *objectives of the management plan; and*

23 (C) *encourage the installation of clear, con-*
24 *sistent, and environmentally appropriate signage*

1 *identifying access points and sites of interest*
2 *throughout the Heritage Area;*

3 (2) *consider the interests of diverse governmental,*
4 *business, and nonprofit groups within the Heritage*
5 *Area;*

6 (3) *conduct public meetings within the Heritage*
7 *Area at least semiannually regarding the implemen-*
8 *tation of the management plan;*

9 (4) *submit substantial amendments (including*
10 *any increase of more than 20 percent in the cost esti-*
11 *mates for implementation) to the management plan to*
12 *the Secretary for approval by the Secretary; and*

13 (5) *for any year for which Federal funds are re-*
14 *ceived under this title—*

15 (A) *submit to the Secretary a report that*
16 *describes, for the year—*

17 (i) *the accomplishments of the manage-*
18 *ment entity;*

19 (ii) *the expenses and income of the*
20 *management entity; and*

21 (iii) *each entity to which any loan or*
22 *grant was made;*

23 (B) *make available for audit all records*
24 *pertaining to the expenditure of the funds and*
25 *any matching funds; and*

1 (C) require, for all agreements authorizing
2 the expenditure of federal funds by any entity,
3 that the receiving entity make available for audit
4 all records pertaining to the expenditure of the
5 funds.

6 (c) *PROHIBITION ON THE ACQUISITION OF REAL*
7 *PROPERTY.*—The management entity shall not use Federal
8 funds made available under this title to acquire real prop-
9 erty or any interest in real property.

10 (d) *PROHIBITION ON THE REGULATION OF LAND*
11 *USE.*—The management entity shall not regulate land use
12 within the Heritage Area.

13 **SEC. 408. DUTIES AND AUTHORITIES OF FEDERAL AGEN-**
14 **CIES.**

15 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—

16 (1) *IN GENERAL.*—The Secretary may, on re-
17 quest of the management entity, provide technical and
18 financial assistance to develop and implement the
19 management plan and memorandum of under-
20 standing.

21 (2) *PRIORITY FOR ASSISTANCE.*—In providing
22 assistance under paragraph (1), the Secretary shall,
23 on request of the management entity, give priority to
24 actions that assist in—

1 (A) conserving the significant archae-
2 ological, historical, cultural, natural, scenic, and
3 recreational resources of the Heritage Area; and

4 (B) providing education, interpretive, and
5 recreational opportunities, consistent with those
6 resources.

7 (b) *APPLICATION OF FEDERAL LAW.*—The establish-
8 ment of the Heritage Area shall have no effect on the appli-
9 cation of any Federal law to any property within the Herit-
10 age Area.

11 **SEC. 409. LAND USE REGULATION; APPLICABILITY OF FED-**
12 **ERAL LAW.**

13 (a) *LAND USE REGULATION.*—Nothing in this title—

14 (1) modifies, enlarges, or diminishes any author-
15 ity of the Federal, State, tribal, or local government
16 to regulate by law (including by regulation) any use
17 of land; or

18 (2) grants any power of zoning or land use to
19 the management entity.

20 (b) *APPLICABILITY OF FEDERAL LAW.*—Nothing in
21 this title—

22 (1) imposes on the Heritage Area, as a result of
23 the designation of the Heritage Area, any regulation
24 that is not applicable to the area within the Heritage
25 area as of the date of enactment of this title; or

1 (2) *authorizes any agency to promulgate a regu-*
2 *lation that applies to the Heritage Area solely as a*
3 *result of the designation under this title.*

4 **SEC. 410. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) *IN GENERAL.*—*There are authorized to be appro-*
6 *priated to carry out this title \$10,000,000, of which not*
7 *more than \$1,000,000 may be authorized to be appropriated*
8 *for any fiscal year.*

9 (b) *COST-SHARING REQUIREMENT.*—*The Federal*
10 *share of the total cost of any activity assisted under this*
11 *title shall be not more than 50 percent.*

12 **SEC. 411. TERMINATION OF AUTHORITY.**

13 *The authority of the Secretary to provide assistance*
14 *under this title terminates on the date that is 15 years after*
15 *the date of enactment of this title.*

16 **TITLE V—NORTHERN RIO**
17 **GRANDE NATIONAL HERIT-**
18 **AGE AREA**

19 **SEC. 501. SHORT TITLE.**

20 *This title may be cited as the “Northern Rio Grande*
21 *National Heritage Area Act”.*

22 **SEC. 502. CONGRESSIONAL FINDINGS.**

23 *The Congress finds that—*

24 (1) *northern New Mexico encompasses a mosaic*
25 *of cultures and history, including eight Pueblos and*

1 *the descendants of Spanish ancestors who settled in*
2 *the area in 1598;*

3 *(2) the combination of cultures, languages, folk*
4 *arts, customs, and architecture make northern New*
5 *Mexico unique;*

6 *(3) the area includes spectacular natural, scenic,*
7 *and recreational resources;*

8 *(4) there is broad support from local govern-*
9 *ments and interested individuals to establish a Na-*
10 *tional Heritage Area to coordinate and assist in the*
11 *preservation and interpretation of these resources;*

12 *(5) in 1991, the National Park Service study Al-*
13 *ternative Concepts for Commemorating Spanish Col-*
14 *onization identified several alternatives consistent*
15 *with the establishment of a National Heritage Area,*
16 *including conducting a comprehensive archaeological*
17 *and historical research program, coordinating a com-*
18 *prehensive interpretation program, and interpreting*
19 *a cultural heritage scene; and*

20 *(6) establishment of a National Heritage Area in*
21 *northern New Mexico would assist local communities*
22 *and residents in preserving these unique cultural, his-*
23 *torical and natural resources.*

24 **SEC. 503. DEFINITIONS.**

25 *As used in this title—*

1 (1) *the term “heritage area” means the Northern*
2 *Rio Grande Heritage Area; and*

3 (2) *the term “Secretary” means the Secretary of*
4 *the Interior.*

5 **SEC. 504. NORTHERN RIO GRANDE NATIONAL HERITAGE**
6 **AREA.**

7 (a) *ESTABLISHMENT.—There is hereby established the*
8 *Northern Rio Grande National Heritage Area in the State*
9 *of New Mexico.*

10 (b) *BOUNDARIES.—The heritage area shall include the*
11 *counties of Santa Fe, Rio Arriba, and Taos.*

12 (c) *MANAGEMENT ENTITY.—*

13 (1) *The Northern Rio Grande National Heritage*
14 *Area, Inc., a non-profit corporation chartered in the*
15 *State of New Mexico, shall serve as the management*
16 *entity for the heritage area.*

17 (2) *The Board of Directors for the management*
18 *entity shall include representatives of the State of*
19 *New Mexico, the counties of Santa Fe, Rio Arriba*
20 *and Taos, tribes and pueblos within the heritage area,*
21 *the cities of Santa Fe, Espanola and Taos, and mem-*
22 *bers of the general public. The total number of Board*
23 *members and the number of Directors representing*
24 *State, local and tribal governments and interested*

1 *communities shall be established to ensure that all*
2 *parties have appropriate representation on the Board.*

3 **SEC. 505. AUTHORITY AND DUTIES OF THE MANAGEMENT**
4 **ENTITY.**

5 *(a) MANAGEMENT PLAN.—*

6 *(1) Not later than 3 years after the date of enact-*
7 *ment of this title, the management entity shall de-*
8 *velop and forward to the Secretary a management*
9 *plan for the heritage area.*

10 *(2) The management entity shall develop and*
11 *implement the management plan in cooperation with*
12 *affected communities, tribal and local governments*
13 *and shall provide for public involvement in the devel-*
14 *opment and implementation of the management plan.*

15 *(3) The management plan shall, at a*
16 *minimum—*

17 *(A) provide recommendations for the con-*
18 *servation, funding, management, and develop-*
19 *ment of the resources of the heritage area;*

20 *(B) identify sources of funding.*

21 *(C) include an inventory of the cultural,*
22 *historical, archaeological, natural, and rec-*
23 *reational resources of the heritage area;*

24 *(D) provide recommendations for edu-*
25 *cational and interpretive programs to inform the*

1 *public about the resources of the heritage area;*
2 *and*

3 *(E) include an analysis of ways in which*
4 *local, State, Federal, and tribal programs may*
5 *best be coordinated to promote the purposes of*
6 *this title.*

7 *(4) If the management entity fails to submit a*
8 *management plan to the secretary as provided in*
9 *paragraph (1), the heritage area shall no longer be el-*
10 *igible to receive Federal funding under this title until*
11 *such time as a plan is submitted to the Secretary.*

12 *(5) The Secretary shall approve or disapprove*
13 *the management plan within 90 days after the date*
14 *of submission. If the Secretary disapproves the man-*
15 *agement plan, the Secretary shall advise the manage-*
16 *ment entity in writing of the reasons therefore and*
17 *shall make recommendations for revisions to the plan.*

18 *(6) The management entity shall periodically re-*
19 *view the management plan and submit to the Sec-*
20 *retary any recommendations for proposed revisions to*
21 *the management plan. Any major revisions to the*
22 *management plan must be approved by the Secretary.*

23 *(b) AUTHORITY.—The management entity may make*
24 *grants and provide technical assistance to tribal and local*

1 *governments, and other public and private entities to carry*
2 *out the management plan.*

3 *(c) DUTIES.—The management entity shall—*

4 *(1) give priority in implementing actions set*
5 *forth in the management plan;*

6 *(2) coordinate with tribal and local governments*
7 *to better enable them to adopt land use policies con-*
8 *sistent with the goals of the management plan;*

9 *(3) encourage by appropriate means economic*
10 *viability in the heritage area consistent with the goals*
11 *of the management plan; and*

12 *(4) assist local and tribal governments and non-*
13 *profit organizations in—*

14 *(A) establishing and maintaining interpre-*
15 *tive exhibits in the heritage area;*

16 *(B) developing recreational resources in the*
17 *heritage area;*

18 *(C) increasing public awareness of, and ap-*
19 *preciation for, the cultural, historical, archae-*
20 *ological and natural resources and sits in the*
21 *heritage area;*

22 *(D) the restoration of historic structures re-*
23 *lated to the heritage area; and*

24 *(E) carrying out other actions that the*
25 *management entity determines appropriate to*

1 *fulfill the purposes of this title, consistent with*
2 *the management plan.*

3 (d) *PROHIBITION ON ACQUIRING REAL PROPERTY.—*

4 *The management entity may not use Federal funds received*
5 *under this title to acquire real property or an interest in*
6 *real property.*

7 (e) *PUBLIC MEETINGS.—The management entity shall*
8 *hold public meetings at least annually regarding the imple-*
9 *mentation of the management plan.*

10 (f) *ANNUAL REPORTS AND AUDITS.—*

11 (1) *For any year in which the management enti-*
12 *ty receives Federal funds under this title, the manage-*
13 *ment entity shall submit an annual report to the Sec-*
14 *retary setting forth accomplishments, expenses and*
15 *income, and each entity to which any grant was*
16 *made by the management entity.*

17 (2) *The management entity shall make available*
18 *to the Secretary for audit all records relating to the*
19 *expenditure of Federal funds and any matching*
20 *funds. The management entity shall also require, for*
21 *all agreements authorizing expenditure of Federal*
22 *funds by other organizations, that the receiving orga-*
23 *nization make available to the Secretary for audit all*
24 *records concerning the expenditure of those funds.*

1 **SEC. 506. DUTIES OF THE SECRETARY.**

2 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—The
3 Secretary may, upon request of the management entity,
4 provide technical and financial assistance to develop and
5 implement the management plan.

6 (b) *PRIORITY.*—In providing assistance under sub-
7 section (a), the Secretary shall give priority to actions that
8 facilitate—

9 (1) *the conservation of the significant natural,*
10 *cultural, historical, archaeological, scenic, and rec-*
11 *reational resources of the heritage area; and*

12 (2) *the provision of educational, interpretive,*
13 *and recreational opportunities consistent with the re-*
14 *sources and associated values of the heritage area.*

15 **SEC. 507. SAVINGS PROVISIONS.**

16 (a) *NO EFFECT ON PRIVATE PROPERTY.*—Nothing in
17 this title shall be construed—

18 (1) *to modify, enlarge, or diminish any author-*
19 *ity of Federal, State, or local governments to regulate*
20 *any use of privately owned lands; or*

21 (2) *to grant the management entity any author-*
22 *ity to regulate the use of privately owned lands.*

23 (b) *TRIBAL LANDS.*—Nothing in this title shall restrict
24 or limit a tribe from protecting cultural or religious sites
25 on tribal lands.

1 (c) *AUTHORITY OF GOVERNMENTS.*—Nothing in this
2 title shall—

3 (1) *modify, enlarge, or diminish any authority*
4 *of Federal, State, tribal, or local governments to man-*
5 *age or regulate any use of land as provided for by law*
6 *or regulation; or*

7 (2) *authorize the management entity to assume*
8 *any management authorities over such lands.*

9 (d) *TRUST RESPONSIBILITIES.*—Nothing in this title
10 *shall diminish the Federal Government’s trust responsibil-*
11 *ities or government-to-government obligations to any feder-*
12 *ally recognized Indian tribe.*

13 **SEC. 508. SUNSET.**

14 *The authority of the Secretary to provide assistance*
15 *under this title terminates on the date that is 15 years after*
16 *the date of enactment of this title.*

17 **SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 **TITLE VI—NATIONAL MORMON**
2 **PIONEER HERITAGE AREA**

3 **SEC. 601. SHORT TITLE.**

4 *This title may be cited as the “National Mormon Pio-*
5 *neer Heritage Area Act”.*

6 **SEC. 602. FINDINGS AND PURPOSE.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) the historical, cultural, and natural heritage*
9 *legacies of Mormon colonization and settlement are*
10 *nationally significant;*

11 *(2) in the area starting along the Highway 89*
12 *corridor at the Arizona border, passing through Kane,*
13 *Garfield, Piute, Sevier, Wayne, and Sanpete Counties*
14 *in the State of Utah, and terminating in Fairview,*
15 *Utah, there are a variety of heritage resources that*
16 *demonstrate—*

17 *(A) the colonization of the western United*
18 *States; and*

19 *(B) the expansion of the United States as a*
20 *major world power;*

21 *(3) the great relocation to the western United*
22 *States was facilitated by—*

23 *(A) the 1,400 mile trek from Illinois to the*
24 *Great Salt Lake by the Mormon pioneers; and*

1 *(B) the subsequent colonization effort in Ne-*
2 *vada, Utah, the southeast corner of Idaho, the*
3 *southwest corner of Wyoming, large areas of*
4 *southeastern Oregon, much of southern Cali-*
5 *fornia, and areas along the eastern border of*
6 *California;*

7 *(4) the 250-mile Highway 89 corridor from*
8 *Kanab to Fairview, Utah, contains some of the best*
9 *features of the Mormon colonization experience in the*
10 *United States;*

11 *(5) the landscape, architecture, traditions, be-*
12 *liefs, folk life, products, and events along Highway 89*
13 *convey the heritage of the pioneer settlement;*

14 *(6) the Boulder Loop, Capitol Reef National*
15 *Park, Zion National Park, Bryce Canyon National*
16 *Park, and the Highway 89 area convey the compel-*
17 *ling story of how early settlers—*

18 *(A) interacted with Native Americans; and*

19 *(B) established towns and cities in a harsh,*
20 *yet spectacular, natural environment;*

21 *(7) the colonization and settlement of the Mor-*
22 *mon settlers opened up vast amounts of natural re-*
23 *sources, including coal, uranium, silver, gold, and*
24 *copper;*

1 (8) *the Mormon colonization played a significant*
2 *role in the history and progress of the development*
3 *and settlement of the western United States; and*

4 (9) *the artisans, crafters, innkeepers, outfitters,*
5 *historic landscape, customs, national parks, and ar-*
6 *chitecture in the Heritage Area make the Heritage*
7 *Area unique.*

8 (b) *PURPOSE.*—*The purpose of this title is to establish*
9 *the Heritage Area to—*

10 (1) *foster a close working relationship with all*
11 *levels of government, the private sector, residents,*
12 *business interests, and local communities in the State;*

13 (2) *empower communities in the State to con-*
14 *serve, preserve, and enhance the heritage of the com-*
15 *munities while strengthening future economic oppor-*
16 *tunities;*

17 (3) *conserve, interpret, and develop the histor-*
18 *ical, cultural, natural, and recreational resources*
19 *within the Heritage Area; and*

20 (4) *expand, foster, and develop heritage busi-*
21 *nesses and products relating to the cultural heritage*
22 *of the Heritage Area.*

23 **SEC. 603. DEFINITIONS.**

24 *In this title:*

1 (1) *ALLIANCE.*—*The term “Alliance” means the*
2 *Utah Heritage Highway 89 Alliance.*

3 (2) *BOARD.*—*The term “Board” means the*
4 *Board of Directors of the Alliance.*

5 (3) *HERITAGE AREA.*—*The term “Heritage*
6 *Area” means the National Mormon Pioneer Heritage*
7 *Area established by section 604(a).*

8 (4) *MANAGEMENT PLAN.*—*The term “manage-*
9 *ment plan” means the plan developed by the Board*
10 *under section 606(a).*

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

13 (6) *STATE.*—*The term “State” means the State*
14 *of Utah.*

15 **SEC. 604. NATIONAL MORMON PIONEER HERITAGE AREA.**

16 (a) *ESTABLISHMENT.*—*There is established the Na-*
17 *tional Mormon Pioneer Heritage Area.*

18 (b) *BOUNDARIES.*—

19 (1) *IN GENERAL.*—*The boundaries of the Herit-*
20 *age Area shall include areas in the State that are—*

21 (A) *related to the corridors—*

22 (i) *from the Arizona border northward*
23 *through Kanab, Utah, and to the intersec-*
24 *tion of Highway 89 and Highway 12, in-*
25 *cluding Highway 12 and Highway 24 as*

1 *those highways loop off Highway 89 and re-*
2 *join Highway 89 at Sigurd;*

3 *(ii) from Highway 89 at the intersec-*
4 *tion of Highway 12 through Panguitch,*
5 *Junction, Marysvale, and Sevier County to*
6 *Sigurd;*

7 *(iii) continuing northward along*
8 *Highway 89 through Axtell and Sterling,*
9 *Sanpete County, to Fairview, Sanpete*
10 *County, at the junction with Utah Highway*
11 *31; and*

12 *(iv) continuing northward along High-*
13 *way 89 through Fairview and Thistle Junc-*
14 *tion, to the junction with Highway 6; and*

15 *(B) located in the following communities;*

16 *Kanab, Mt. Carmel, Orderville, Glendale, Alton,*
17 *Cannonville, Tropic, Henrieville, Escalante,*
18 *Boulder, Teasdale, Fruita, Hanksville, Torrey,*
19 *Bicknell, Loa, Hatch, Panguitch, Circleville, An-*
20 *timony, Junction, Marysvale, Koosharem, Sevier,*
21 *Joseph, Monroe, Elsinore, Richfield, Glenwood,*
22 *Sigurd, Aurora, Salina, Mayfield, Sterling,*
23 *Gunnison, Fayette, Manti, Ephraim, Spring*
24 *City, Mt. Pleasant, Moroni, Fountain Green,*
25 *and Fairview.*

1 (c) *USE OF FEDERAL FUNDS.*—*The Alliance may, for*
 2 *the purposes of developing and implementing the manage-*
 3 *ment plan, use Federal funds made available under this*
 4 *title—*

5 (1) *to make grants and loans to the State, polit-*
 6 *ical subdivision of the State, nonprofit organizations,*
 7 *and other persons;*

8 (2) *to enter into cooperative agreements with or*
 9 *provide technical assistance to the State, political*
 10 *subdivisions of the State, nonprofit organizations,*
 11 *and other organizations;*

12 (3) *to hire and compensate staff;*

13 (4) *to obtain funds from any source under any*
 14 *program or law requiring the recipient of funds to*
 15 *make a contribution in order to receive the funds; and*

16 (5) *to contract for goods and services.*

17 (d) *PROHIBITION OF ACQUISITION OF REAL PROP-*
 18 *ERTY.*—*The Alliance may not use Federal funds received*
 19 *under this title to acquire real property or any interest in*
 20 *real property.*

21 **SEC. 606. MANAGEMENT OF THE HERITAGE AREA.**

22 (a) *HERITAGE AREA MANAGEMENT PLAN.*—

23 (1) *DEVELOPMENT AND SUBMISSION FOR RE-*
 24 *VIEW.*—*Not later than 3 years after the date of enact-*
 25 *ment of this title, the Board, with public participa-*

1 *tion, shall develop and submit for review to the Sec-*
2 *retary a management plan for the Heritage Area.*

3 (2) *CONTENTS.—The management plan shall—*

4 (A) *present comprehensive recommendation*
5 *for the conservation, funding, management, and*
6 *development of the Heritage Area;*

7 (B) *take into consideration Federal, State,*
8 *county, and local plans in effect on the date of*
9 *enactment of this title;*

10 (C) *involve residents, public agencies, and*
11 *private organizations in the Heritage Area;*

12 (D) *include a description of actions that*
13 *units of government and private organizations*
14 *are recommended to take to protect the resources*
15 *of the Heritage Area;*

16 (E) *specify existing and potential sources of*
17 *Federal and non-Federal funding for the con-*
18 *servation, management, and development of the*
19 *Heritage Area; and*

20 (F) *include—*

21 (i) *an inventory of resources in the*
22 *Heritage Area that—*

23 (I) *includes a list of property in*
24 *the Heritage Area that should be con-*
25 *served, restored, managed, developed, or*

1 *maintained because of the historical,*
2 *cultural, or natural significance of the*
3 *property as the property relates to the*
4 *themes of the Heritage Area; and*

5 *(II) does not include any property*
6 *that is privately owned unless the*
7 *owner of the property consents in writ-*
8 *ing to the inclusion;*

9 *(ii) a recommendation of policies for*
10 *resource management that consider the ap-*
11 *plication of appropriate land and water*
12 *management techniques, including policies*
13 *for the development of intergovernmental co-*
14 *operative agreements to manage the histor-*
15 *ical, cultural, and natural resources and*
16 *recreational opportunities of the Heritage*
17 *Area in a manner that is consistent with*
18 *the support of appropriate and compatible*
19 *economic viability;*

20 *(iii) a program for implementation of*
21 *the management plan, including plans for*
22 *restoration and construction;*

23 *(iv) a description of any commitments*
24 *that have been made by persons interested*
25 *in management of the Heritage Area;*

1 (v) *an analysis of means by which*
2 *Federal, State, and local programs may best*
3 *be coordinated to promote the purposes of*
4 *this title; and*

5 (vi) *an interpretive plan for the Herit-*
6 *age Area.*

7 (3) *APPROVAL OR DISAPPROVAL OF THE MAN-*
8 *AGEMENT PLAN.—*

9 (A) *IN GENERAL.—Not later than 180 days*
10 *after submission of the management plan by the*
11 *Board, the Secretary shall approve or disapprove*
12 *the management plan.*

13 (B) *DISAPPROVAL AND REVISIONS.—*

14 (i) *IN GENERAL.—If the Secretary dis-*
15 *approves the management plan, the Sec-*
16 *retary shall—*

17 (I) *advise the Board, in writing,*
18 *of the reasons for the disapproval; and*

19 (II) *make recommendations for*
20 *revision of the management plans.*

21 (ii) *APPROVAL OR DISAPPROVAL.—The*
22 *Secretary shall approve or disapprove pro-*
23 *posed revisions to the management plan not*
24 *later than 60 days after receipt of the revi-*
25 *sions from the Board.*

1 (b) *PRIORITIES.*—*The Alliance shall give priority to*
2 *the implementation of actions, goals, and policies set forth*
3 *in the management plan, including—*

4 (1) *assisting units of government, regional plan-*
5 *ning organizations, and nonprofit organizations in—*

6 (A) *conserving the historical, cultural, and*
7 *natural resources of the Heritage Area;*

8 (B) *establishing and maintaining interpre-*
9 *tive exhibits in the Heritage Area;*

10 (C) *developing recreational opportunities in*
11 *the Heritage Area;*

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

15 (E) *restoring historic buildings that are—*

16 (i) *located within the boundaries of the*
17 *Heritage Area; and*

18 (ii) *related to the theme of the Heritage*
19 *Area; and*

20 (F) *ensuring that clear, consistent, and en-*
21 *vironmentally appropriate signs identifying ac-*
22 *cess points and sites of interest are put in place*
23 *throughout the Heritage Area; and*

24 (2) *consistent with the goals of the management*
25 *plan, encouraging economic viability in the affected*

1 *communities by appropriate means, including en-*
2 *couraging and soliciting the development of heritage*
3 *products.*

4 *(c) CONSIDERATION OF INTERESTS OF LOCAL*
5 *GROUPS.—In developing and implementing the manage-*
6 *ment plan, the Board shall consider the interests of diverse*
7 *units of government, businesses, private property owners,*
8 *and nonprofit organizations in the Heritage Area.*

9 *(d) PUBLIC MEETINGS.—The Board shall conduct*
10 *public meetings at least annually regarding the implemen-*
11 *tation of the management plan.*

12 *(e) ANNUAL REPORTS.—For any fiscal year in which*
13 *the Alliance receives Federal funds under this title or in*
14 *which a loan made by the Alliance with Federal funds*
15 *under section 605(c)(1) is outstanding, the Alliance shall*
16 *submit to the Secretary an annual report that describes—*

17 *(1) the accomplishments of the Alliance;*

18 *(2) the expenses and income of the Alliance; and*

19 *(3) the entities to which the Alliance made any*
20 *loans or grants during the year for which the report*
21 *is made.*

22 *(f) COOPERATION WITH AUDITS.—For any fiscal year*
23 *in which the Alliance receives Federal funds under this title*
24 *or in which a loan made by the Alliance with Federal funds*
25 *under section 605(c)(1) is outstanding, the Alliance shall—*

1 (A) units of government, nonprofit organi-
2 zations, and other persons, at the request of the
3 Alliance; and

4 (B) the Alliance, for use in developing and
5 implementing the management plan.

6 (2) *PROHIBITION OF CERTAIN REQUIREMENTS.*—
7 The Secretary may not, as a condition of the award
8 of technical assistance or grants under this section,
9 require any recipient of the technical assistance or a
10 grant to enact or modify any land use restriction.

11 (3) *DETERMINATION REGARDING ASSISTANCE.*—
12 The Secretary shall determine whether a unit of gov-
13 ernment, nonprofit organization, or other person shall
14 be awarded technical assistance or grants and the
15 amount of technical assistance—

16 (A) based on the extent to which the
17 assistance—

18 (i) fulfills the objectives of the manage-
19 ment plan; and

20 (ii) achieves the purposes of this title;
21 and

22 (B) after giving special consideration to
23 projects that provide a greater leverage of Fed-
24 eral funds.

1 (b) *PROVISION OF INFORMATION.*—*In cooperation with*
2 *other Federal agencies, the Secretary shall provide the pub-*
3 *lic with information concerning the location and character*
4 *of the Heritage Area.*

5 (c) *OTHER ASSISTANCE.*—*The Secretary may enter*
6 *into cooperative agreements with public and private organi-*
7 *zations for the purposes of implementing this section.*

8 (d) *DUTIES OF OTHER FEDERAL AGENCIES.*—*A Fed-*
9 *eral entity conducting any activity directly affecting the*
10 *Heritage Area shall—*

11 (1) *consider the potential effect of the activity on*
12 *the management plan; and*

13 (2) *consult with the Alliance with respect to the*
14 *activity to minimize the adverse effects of the activity*
15 *on the Heritage Area.*

16 **SEC. 608. NO EFFECT ON LAND USE AUTHORITY AND PRI-**
17 **VATE PROPERTY.**

18 (a) *NO EFFECT ON LAND USE AUTHORITY.*—*Nothing*
19 *in this title modifies, enlarges, or diminishes any authority*
20 *of Federal, State, or local government to regulate any use*
21 *of land under any other law (including regulations).*

22 (b) *NO ZONING OR LAND USE POWERS.*—*Nothing in*
23 *this title grants powers of zoning or land use control to the*
24 *Alliance.*

1 (c) *LOCAL AUTHORITY AND PRIVATE PROPERTY NOT*
2 *AFFECTED.*—*Nothing in this title affects or authorizes the*
3 *Alliance to interfere with—*

4 (1) *the right of any person with respect to pri-*
5 *vate property; or*

6 (2) *any local zoning ordinance or land use plan*
7 *of the State or a political subdivision of the State.*

8 **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) *IN GENERAL.*—*There is authorized to be appro-*
10 *priated to carry out this title \$10,000,000, of which not*
11 *more than \$1,000,000 may be made available for any fiscal*
12 *year.*

13 (b) *FEDERAL SHARE.*—*The Federal share of the cost*
14 *of any activity carried out using funds made available*
15 *under this title shall not exceed 50 percent.*

16 **SEC. 610. TERMINATION OF AUTHORITY.**

17 *The authority of the Secretary to provide assistance*
18 *under this title terminates on the date that is 15 years after*
19 *the date of enactment of this title.*

1 **TITLE VII—JOHN H. CHAFEE**
 2 **BLACKSTONE RIVER VALLEY**
 3 **NATIONAL HERITAGE COR-**
 4 **RIDOR**

5 **SEC. 701. AUTHORIZATION OF APPROPRIATIONS.**

6 *Section 10 of Public Law 99–647 (16 U.S.C. 461 note)*
 7 *is amended by striking subsection (b) and inserting the fol-*
 8 *lowing:*

9 *“(b) DEVELOPMENT FUNDS.—There is authorized to be*
 10 *appropriated to carry out section 8(c) for the period of fis-*
 11 *cal years 2003 through 2007 not more than \$5,000,000, to*
 12 *remain available until expended.”.*

13 **TITLE VIII—CROSSROADS OF**
 14 **THE AMERICAN REVOLUTION**
 15 **NATIONAL HERITAGE AREA**

16 **SEC. 801. SHORT TITLE.**

17 *This title may be cited as the “Crossroads of the Amer-*
 18 *ican Revolution National Heritage Area Act of 2002”.*

19 **SEC. 802. FINDINGS AND PURPOSES.**

20 *(a) FINDINGS.—Congress finds that—*

21 *(1) the State of New Jersey was critically impor-*
 22 *tant during the American Revolution because of the*
 23 *strategic location of the State between the British ar-*
 24 *mies headquartered in New York City, New York, and*

1 *the Continental Congress in the city of Philadelphia,*
2 *Pennsylvania;*

3 (2) *General George Washington spent almost half*
4 *of the period of the American Revolution personally*
5 *commanding troops of the Continental Army in the*
6 *State of New Jersey, including two severe winters*
7 *spent in encampments in the area that is now Mor-*
8 *ristown National Historical Park, a unit of the Na-*
9 *tional Park System;*

10 (3) *it was during the 10 crucial days of the*
11 *American Revolution between December 25, 1776, and*
12 *January 3, 1777, that General Washington, after re-*
13 *treating across the State of New Jersey from the State*
14 *of New York to the State of Pennsylvania in the face*
15 *of total defeat, recrossed the Delaware River on the*
16 *night of December 25, 1776, and went on to win cru-*
17 *cial battles at Trenton and Princeton in the State of*
18 *New Jersey;*

19 (4) *Thomas Paine, who accompanied the troops*
20 *during the retreat, described the events during those*
21 *days as “the times that try men’s souls”;*

22 (5) *the sites of 296 military engagements are lo-*
23 *cated in the State of New Jersey, including—*

24 (A) *several important battles of the Amer-*
25 *ican Revolution that were significant to the out-*

1 *come of the American Revolution and the history*
2 *of the United States; and*

3 *(B) several national historic landmarks, in-*
4 *cluding Washington's Crossing, the Old Trenton*
5 *Barracks, and Princeton, Monmouth and Red*
6 *Bank Battlefields;*

7 *(6) additional national historic landmarks in*
8 *the State of New Jersey include the homes of—*

9 *(A) Richard Stockton, Joseph Hewes, John*
10 *Witherspoon, and Francis Hopkinson, signers of*
11 *the Declaration of Independence;*

12 *(B) Elias Boudinout, President of the Con-*
13 *tinental Congress; and*

14 *(C) William Livingston, patriot and Gov-*
15 *ernor of the State of New Jersey from 1776 to*
16 *1790;*

17 *(7) portions of the landscapes important to the*
18 *strategies of the British and Continental armies, in-*
19 *cluding waterways, mountains, farms, wetlands, vil-*
20 *lages, and roadways—*

21 *(A) retain the integrity of the period of the*
22 *American Revolution; and*

23 *(B) offer outstanding opportunities for con-*
24 *servation, education, and recreation;*

1 (8) *the National Register of Historic Places lists*
2 *251 buildings and sites in the National Park Service*
3 *study area for the Crossroads of the American Revolu-*
4 *tion that are associated with the period of the Amer-*
5 *ican Revolution;*

6 (9) *civilian populations residing in the State of*
7 *New Jersey during the American Revolution suffered*
8 *extreme hardships because of the continuous conflict*
9 *in the State and marauding contingents of loyalist*
10 *Tories and rebel sympathizers;*

11 (10) *because of the important role that the State*
12 *of New Jersey played in the successful outcome of the*
13 *American Revolution, there is a Federal interest in*
14 *developing a regional framework to assist the State of*
15 *New Jersey, local governments and organizations, and*
16 *private citizens in—*

17 (A) *preserving and protecting cultural, his-*
18 *toric, and natural resources of the period; and*

19 (B) *bringing recognition to those resources*
20 *for the educational and recreational benefit of*
21 *the present and future generations of citizens of*
22 *the United States; and*

23 (11) *the National Park Service has conducted a*
24 *national heritage area feasibility study in the State*
25 *of New Jersey that demonstrates that there is a suffi-*

1 *cient assemblage of nationally distinctive cultural,*
2 *historic, and natural resources necessary to establish*
3 *the Crossroads of the American Revolution National*
4 *Heritage Area.*

5 **(b) PURPOSES.**—*The purposes of this title are—*

6 *(1) to assist communities, organizations, and*
7 *citizens in the State of New Jersey in preserving the*
8 *special historic identity of the State and the impor-*
9 *tance of the State to the United States;*

10 *(2) to foster a close working relationship among*
11 *all levels of government, the private sector, and local*
12 *communities in the State;*

13 *(3) to provide for the management, preservation,*
14 *protection, and interpretation of the cultural, historic,*
15 *and natural resources of the State for the educational*
16 *and inspirational benefit of future generations;*

17 *(4) to strengthen the value of Morristown Na-*
18 *tional Historical Park as an asset to the State by—*

19 *(A) establishing a network of related his-*
20 *toric resources, protected landscapes, educational*
21 *opportunities, and events depicting the landscape*
22 *of the State of New Jersey during the American*
23 *Revolution; and*

24 *(B) establishing partnerships between Mor-*
25 *ristown National Historical Park and other pub-*

1 *lic and privately owned resources in the Herit-*
2 *age Area that represent the fulcrum of the Amer-*
3 *ican Revolution; and*

4 *(5) to authorize Federal financial and technical*
5 *assistance for the purposes described in paragraphs*
6 *(1) through (4).*

7 **SEC. 803. DEFINITIONS.**

8 *In this title:*

9 (1) *ASSOCIATION.*—*The term “Association”*
10 *means the Crossroads of the American Revolution As-*
11 *sociation, Inc., a nonprofit corporation in the State.*

12 (2) *HERITAGE AREA.*—*The term “Heritage*
13 *Area” means the Crossroads of the American Revolu-*
14 *tion National Heritage Area established by section*
15 *804(a).*

16 (3) *MANAGEMENT ENTITY.*—*The term “manage-*
17 *ment entity” means the management entity for the*
18 *Heritage Area designated by section 804(d).*

19 (4) *MANAGEMENT PLAN.*—*The term “manage-*
20 *ment plan” means the management plan for the Her-*
21 *itage Area developed under section 805.*

22 (5) *MAP.*—*The term “map” means the map enti-*
23 *tled “Crossroads of the American Revolution National*
24 *Heritage Area”, numbered CRREL 80,000, and dated*
25 *April 2002.*

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

3 (7) *STATE.*—*The term “State” means the State*
4 *of New Jersey.*

5 **SEC. 804. CROSSROADS OF THE AMERICAN REVOLUTION**
6 **NATIONAL HERITAGE AREA.**

7 (a) *ESTABLISHMENT.*—*There is established in the*
8 *State the Crossroads of the American Revolution National*
9 *Heritage Area.*

10 (b) *BOUNDARIES.*—*The Heritage Area shall consist of*
11 *the land and water within the boundaries of the Heritage*
12 *Area, as depicted on the map.*

13 (c) *AVAILABILITY OF MAP.*—*The map shall be on file*
14 *and available for public inspection in the appropriate of-*
15 *fices of the National Park Service.*

16 (d) *MANAGEMENT ENTITY.*—*The Association shall be*
17 *the management entity for the Heritage Area.*

18 **SEC. 805. MANAGEMENT PLAN.**

19 (a) *IN GENERAL.*—*Not later than 3 years after the*
20 *date on which funds are first made available to carry out*
21 *this title, the management entity shall submit to the Sec-*
22 *retary for approval a management plan for the Heritage*
23 *Area.*

24 (b) *REQUIREMENTS.*—*The management plan shall—*

1 (1) *include comprehensive policies, strategies,*
2 *and recommendations for conservation, funding, man-*
3 *agement, and development of the Heritage Area;*

4 (2) *take into consideration existing State, coun-*
5 *ty, and local plans;*

6 (3) *describe actions that units of local govern-*
7 *ment, private organizations, and individuals have*
8 *agreed to take to protect the cultural, historic, and*
9 *natural resources of the Heritage Area;*

10 (4) *identify existing and potential sources of*
11 *funding for the protection, management, and develop-*
12 *ment of the Heritage Area during the first 5 years of*
13 *implementation of the management plan; and*

14 (5) *include—*

15 (A) *an inventory of the cultural, edu-*
16 *cational, historic, natural, recreational, and sce-*
17 *nic resources of the Heritage Area relating to the*
18 *themes of the Heritage Area that should be re-*
19 *stored, managed, or developed;*

20 (B) *recommendations of policies and strate-*
21 *gies for resource management that result in—*

22 (i) *application of appropriate land*
23 *and water management techniques; and*

24 (ii) *development of intergovernmental*
25 *and interagency cooperative agreements to*

1 *protect the cultural, educational, historic,*
2 *natural, recreational, and scenic resources*
3 *of the Heritage Area;*

4 (C) *a program of implementation of the*
5 *management plan that includes for the first 5*
6 *years of implementation—*

7 (i) *plans for resource protection, res-*
8 *toration, construction; and*

9 (ii) *specific commitments for imple-*
10 *mentation that have been made by the man-*
11 *agement entity or any government, organi-*
12 *zation, or individual;*

13 (D) *an analysis of and recommendations*
14 *for ways in which Federal, State, and local pro-*
15 *grams, including programs of the National Park*
16 *Service, may be best coordinated to promote the*
17 *purposes of this title; and*

18 (E) *an interpretive plan for the Heritage*
19 *Area.*

20 (c) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*
21 *PLAN.—*

22 (1) *IN GENERAL.—Not later than 90 days after*
23 *the date of receipt of the management plan under sub-*
24 *section (a), the Secretary shall approve or disapprove*
25 *the management plan.*

1 (2) *CRITERIA.*—*In determining whether to ap-*
2 *prove the management plan, the Secretary shall con-*
3 *sider whether—*

4 (A) *the Board of Directors of the manage-*
5 *ment entity is representative of the diverse inter-*
6 *ests of the Heritage Area, including—*

7 (i) *governments;*

8 (ii) *natural and historic resource pro-*
9 *tection organizations;*

10 (iii) *educational institutions;*

11 (iv) *businesses; and*

12 (v) *recreational organizations;*

13 (B) *the management entity provided ade-*
14 *quate opportunity for public and governmental*
15 *involvement in the preparation of the manage-*
16 *ment plan, including public hearings;*

17 (C) *the resource protection and interpreta-*
18 *tion strategies in the management plan would*
19 *adequately protect the cultural, historic, and*
20 *natural resources of the Heritage Area; and*

21 (D) *the Secretary has received adequate as-*
22 *surances from the appropriate State and local*
23 *officials whose support is needed to ensure the ef-*
24 *fective implementation of the State and local as-*
25 *pects of the management plan.*

1 (3) *ACTION FOLLOWING DISAPPROVAL.*—If the
2 Secretary disapproves the management plan under
3 paragraph (1), the Secretary shall—

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

6 (B) make recommendations for revisions to
7 the management plan; and

8 (C) not later than 60 days after the receipt
9 of any proposed revision of the management
10 plan from the management entity, approve or
11 disapprove the proposed revision.

12 (d) *AMENDMENTS.*—

13 (1) *IN GENERAL.*—The Secretary shall approve
14 or disapprove each amendment to the management
15 plan that the Secretary determines may make a sub-
16 stantial change to the management plan.

17 (2) *USE OF FUNDS.*—Funds made available
18 under this title shall not be expended by the manage-
19 ment entity to implement an amendment described in
20 paragraph (1) until the Secretary approves the
21 amendment.

22 (e) *IMPLEMENTATION.*—On completion of the 3-year
23 period described in subsection (a), any funding made avail-
24 able under this title shall be made available to the manage-

1 *ment entity only for implementation of the approved man-*
2 *agement plan.*

3 **SEC. 806. AUTHORITIES, DUTIES, AND PROHIBITIONS AP-**
4 **PLICABLE TO THE MANAGEMENT ENTITY.**

5 (a) *AUTHORITIES.*—*For purposes of preparing and*
6 *implementing the management plan, the management enti-*
7 *ty may use funds made available under this title to—*

8 (1) *make grants to, provide technical assistance*
9 *to, and enter into cooperative agreements with, the*
10 *State (including a political subdivision thereof), a*
11 *nonprofit organization, or any other person;*

12 (2) *hire and compensate staff, including individ-*
13 *uals with expertise in—*

14 (A) *cultural, historic, or natural resource*
15 *protection; or*

16 (B) *heritage programming;*

17 (3) *obtain funds or services from any source (in-*
18 *cluding a Federal law or program);*

19 (4) *contract for goods or services; and*

20 (5) *support any other activity—*

21 (A) *that furthers the purposes of the Herit-*
22 *age Area; and*

23 (B) *that is consistent with the management*
24 *plan.*

1 (b) *DUTIES.*—*In addition to developing the manage-*
2 *ment plan, the management entity shall—*

3 (1) *assist units of local government, regional*
4 *planning organizations, and nonprofit organizations*
5 *in implementing the approved management plan*
6 *by—*

7 (A) *carrying out programs and projects*
8 *that recognize, protect, and enhance important*
9 *resource values in the Heritage Area;*

10 (B) *establishing and maintaining interpre-*
11 *tive exhibits and programs in the Heritage Area;*

12 (C) *developing recreational and educational*
13 *opportunities in the Heritage Area;*

14 (D) *increasing public awareness of and ap-*
15 *preciation for cultural, historic, and natural re-*
16 *sources of the Heritage Area;*

17 (E) *protecting and restoring historic sites*
18 *and buildings that are located in the Heritage*
19 *Area and related to the themes of the Heritage*
20 *Area;*

21 (F) *ensuring that clear, consistent, and ap-*
22 *propriate signs identifying points of public ac-*
23 *cess and sites of interest are installed throughout*
24 *the Heritage Area; and*

1 (G) promoting a wide range of partnerships
2 among governments, organizations, and individ-
3 uals to further the purposes of the Heritage Area;

4 (2) in preparing and implementing the manage-
5 ment plan, consider the interests of diverse units of
6 government, businesses, organizations, and individ-
7 uals in the Heritage Area;

8 (3) conduct public meetings at least semiannu-
9 ally regarding the development and implementation
10 of the management plan;

11 (4) for any fiscal year for which Federal funds
12 are received under this title—

13 (A) submit to the Secretary a report that
14 describes for the year—

15 (i) the accomplishments of the manage-
16 ment entity;

17 (ii) the expenses and income of the
18 management entity; and

19 (iii) each entity to which a grant was
20 made;

21 (B) make available for audit all informa-
22 tion relating to the expenditure of the funds and
23 any matching funds; and

24 (C) require, for all agreements authorizing
25 expenditures of Federal funds by any entity, that

1 *the receiving entity make available for audit all*
2 *records and other information relating to the ex-*
3 *penditure of the funds; and*

4 (5) *encourage, by appropriate means, economic*
5 *viability that is consistent with the purposes of the*
6 *Heritage Area; and*

7 (6) *maintain headquarters for the management*
8 *entity in Mercer County.*

9 (c) *Prohibition on the Acquisition of Real Property.*

10 (1) *FEDERAL FUNDS.—The management entity*
11 *shall not use Federal funds made available under this*
12 *title to acquire real property or any interest in real*
13 *property.*

14 (2) *OTHER FUNDS.—Notwithstanding paragraph*
15 *(1), the management entity may acquire real prop-*
16 *erty or an interest in real property using any other*
17 *source of funding, including other Federal funding.*

18 **SEC. 807. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**

19 **FEDERAL AGENCIES.**

20 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.—*

21 (1) *IN GENERAL.—On the request of the manage-*
22 *ment entity, the Secretary may provide technical and*
23 *financial assistance to the Heritage Area for the de-*
24 *velopment and implementation of the management*
25 *plan.*

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

4 (A) *conserving the significant cultural, his-*
5 *toric, natural, and scenic resources of the Herit-*
6 *age Area; and*

7 (B) *providing educational, interpretive, and*
8 *recreational opportunities consistent with the*
9 *purposes of the Heritage Area.*

10 (3) *PRESERVATION OF HISTORIC PROPERTIES.*—
11 *To carry out the purposes of this title, the Secretary*
12 *may provide assistance to a State or local government*
13 *or nonprofit organization to provide for the appro-*
14 *priate treatment of—*

15 (A) *historic objects; or*

16 (B) *structures that are listed or eligible for*
17 *listing on the National Register of Historic*
18 *Places.*

19 (4) *COOPERATIVE AGREEMENTS.*—*The Secretary*
20 *may enter into cooperative agreements with the man-*
21 *agement entity and other public or private entities to*
22 *carry out this subsection.*

23 (b) *OTHER FEDERAL AGENCIES.*—*Any Federal agency*
24 *conducting or supporting an activity that directly affects*
25 *the Heritage Area shall—*

1 (1) *consult with the Secretary and the manage-*
2 *ment entity regarding the activity;*

3 (2) *cooperate with the Secretary and the man-*
4 *agement entity in carrying out the activity, and to*
5 *the maximum extent practicable, coordinate the activ-*
6 *ity with the carrying out of its duties; and*

7 (3) *to the maximum extent practicable, conduct*
8 *the activity to avoid adverse effects on the Heritage*
9 *Area.*

10 **SEC. 808. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) *IN GENERAL.*—*There is authorized to be appro-*
12 *priated to carry out this title \$10,000,000, of which not*
13 *more than \$1,000,000 may be authorized to be appropriated*
14 *for any fiscal year.*

15 (b) *COST-SHARING REQUIREMENT.*—*The Federal*
16 *share of the cost of any activity assisted under this title*
17 *shall be not more than 50 percent.*

18 **SEC. 809. TERMINATION OF AUTHORITY.**

19 *The authority of the Secretary to provide assistance*
20 *under this title terminates on the date that is 15 years after*
21 *the date of enactment of this title.*

1 **TITLE IX—NATIONAL AVIATION**
2 **HERITAGE AREA**

3 **SEC. 901. SHORT TITLE.**

4 *This title may be cited as the “National Aviation Her-*
5 *itage Area Act”.*

6 **SEC. 902. FINDINGS AND PURPOSE.**

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

8 *(1) Few technological advances have transformed*
9 *the world or our Nation’s economy, society, culture,*
10 *and national character as the development of powered*
11 *flight.*

12 *(2) The industrial, cultural, and natural herit-*
13 *age legacies of the aviation and aerospace industry in*
14 *the State of Ohio are nationally significant.*

15 *(3) Dayton, Ohio, and other defined areas where*
16 *the development of the airplane and aerospace tech-*
17 *nology established our Nation’s leadership in both*
18 *civil and military aeronautics and astronautics set*
19 *the foundation for the 20th Century to be an Amer-*
20 *ican Century.*

21 *(4) Wright-Patterson Air Force Base in Dayton,*
22 *Ohio, is the birthplace, the home, and an integral*
23 *part of the future of aerospace.*

24 *(5) The economic strength of our Nation is con-*
25 *nected integrally to the vitality of the aviation and*

1 *aerospace industry, which is responsible for an esti-*
2 *mated 11,200,000 American jobs.*

3 *(6) The industrial and cultural heritage of the*
4 *aviation and aerospace industry in the State of Ohio*
5 *includes the social history and living cultural tradi-*
6 *tions of several generations.*

7 *(7) The Department of the Interior is responsible*
8 *for protecting and interpreting the Nation's cultural*
9 *and historic resources, and there are significant ex-*
10 *amples of these resources within Ohio to merit the in-*
11 *volvement of the Federal Government to develop pro-*
12 *grams and projects in cooperation with the Aviation*
13 *Heritage Foundation, Incorporated, the State of Ohio,*
14 *and other local and governmental entities to ade-*
15 *quately conserve, protect, and interpret this heritage*
16 *for the educational and recreational benefit of this*
17 *and future generations of Americans, while providing*
18 *opportunities for education and revitalization.*

19 *(8) Since the enactment of the Dayton Aviation*
20 *Heritage Preservation Act of 1992 (Public Law 102-*
21 *419), partnerships among the Federal, State, and*
22 *local governments and the private sector have greatly*
23 *assisted the development and preservation of the his-*
24 *toric aviation resources in the Miami Valley.*

1 (9) *An aviation heritage area centered in South-*
2 *west Ohio is a suitable and feasible management op-*
3 *tion to increase collaboration, promote heritage tour-*
4 *ism, and build on the established partnerships among*
5 *Ohio’s historic aviation resources and related sites.*

6 (10) *A critical level of collaboration among the*
7 *historic aviation resources in Southwest Ohio cannot*
8 *be achieved without a congressionally established na-*
9 *tional heritage area and the support of the National*
10 *Park Service and other Federal agencies which own*
11 *significant historic aviation-related sites in Ohio.*

12 (11) *The Aviation Heritage Foundation, Incor-*
13 *porated, would be an appropriate management entity*
14 *to oversee the development of the National Aviation*
15 *Heritage Area.*

16 (12) *Five National Park Service and Dayton*
17 *Aviation Heritage Commission studies and planning*
18 *documents: “Study of Alternatives: Dayton’s Aviation*
19 *Heritage”, “Dayton Aviation Heritage National His-*
20 *torical Park Suitability/Feasibility Study”, “Dayton*
21 *Aviation Heritage General Management Plan”,*
22 *“Dayton Historic Resources Preservation and Devel-*
23 *opment Plan”, and Heritage Area Concept Study (in*
24 *progress), demonstrated that sufficient historical re-*

1 *sources exist to establish the National Aviation Herit-*
2 *age Area.*

3 *(13) With the advent of the 100th anniversary of*
4 *the first powered flight in 2003, it is recognized that*
5 *the preservation of properties nationally significant*
6 *in the history of aviation is an important goal for the*
7 *future education of Americans.*

8 *(14) Local governments, the State of Ohio, and*
9 *private sector interests have embraced the heritage*
10 *area concept and desire to enter into a partnership*
11 *with the Federal government to preserve, protect, and*
12 *develop the Heritage Area for public benefit.*

13 *(15) The National Aviation Heritage Area would*
14 *complement and enhance the aviation-related re-*
15 *sources within the National Park Service, especially*
16 *the Dayton Aviation Heritage National Historical*
17 *Park, Ohio.*

18 *(b) PURPOSE.—The purpose of this title is to establish*
19 *the Heritage Area to—*

20 *(1) encourage and facilitate collaboration among*
21 *the facilities, sites, organizations, governmental enti-*
22 *ties, and educational institutions within the Heritage*
23 *Area to promote heritage tourism and to develop edu-*
24 *cational and cultural programs for the public;*

1 (2) *preserve and interpret for the educational*
2 *and inspirational benefit of present and future gen-*
3 *erations the unique and significant contributions to*
4 *our national heritage of certain historic and cultural*
5 *lands, structures, facilities, and sites within the Na-*
6 *tional Aviation Heritage Area;*

7 (3) *encourage within the National Aviation Her-*
8 *itage Area a broad range of economic opportunities*
9 *enhancing the quality of life for present and future*
10 *generations;*

11 (4) *provide a management framework to assist*
12 *the State of Ohio, its political subdivisions, other*
13 *areas, and private organizations, or combinations*
14 *thereof, in preparing and implementing an integrated*
15 *Management Plan to conserve their aviation heritage*
16 *and in developing policies and programs that will*
17 *preserve, enhance, and interpret the cultural, histor-*
18 *ical, natural, recreation, and scenic resources of the*
19 *Heritage Area; and*

20 (5) *authorize the Secretary to provide financial*
21 *and technical assistance to the State of Ohio, its po-*
22 *litical subdivisions, and private organizations, or*
23 *combinations thereof, in preparing and implementing*
24 *the private Management Plan.*

1 **SEC. 903. DEFINITIONS.**

2 *For purposes of this title:*

3 (1) *BOARD.*—*The term “Board” means the*
4 *Board of Directors of the Foundation.*

5 (2) *FINANCIAL ASSISTANCE.*—*The term “finan-*
6 *cial assistance” means funds appropriated by Con-*
7 *gress and made available to the management entity*
8 *for the purpose of preparing and implementing the*
9 *Management Plan.*

10 (3) *HERITAGE AREA.*—*The term “Heritage*
11 *Area” means the National Aviation Heritage Area es-*
12 *tablished by section 904 to receive, distribute, and ac-*
13 *count for Federal funds appropriated for the purpose*
14 *of this title.*

15 (4) *MANAGEMENT PLAN.*—*The term “Manage-*
16 *ment Plan” means the management plan for the Her-*
17 *itage Area developed under section 906.*

18 (5) *MANAGEMENT ENTITY.*—*The term “manage-*
19 *ment entity” means the Aviation Heritage Founda-*
20 *tion, Incorporated (a nonprofit corporation estab-*
21 *lished under the laws of the State of Ohio).*

22 (6) *PARTNER.*—*The term “partner” means a*
23 *Federal, State, or local governmental entity, organi-*
24 *zation, private industry, educational institution, or*
25 *individual involved in promoting the conservation*

1 *and preservation of the cultural and natural resources*
2 *of the Heritage Area.*

3 (7) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of the Interior.*

5 (8) *TECHNICAL ASSISTANCE.*—*The term “tech-*
6 *nical assistance” means any guidance, advice, help,*
7 *or aid, other than financial assistance, provided by*
8 *the Secretary.*

9 **SEC. 904. NATIONAL AVIATION HERITAGE AREA.**

10 (a) *ESTABLISHMENT.*—*There is established in the*
11 *States of Ohio and Indiana, the National Aviation Heritage*
12 *Area.*

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

15 (1) *A core area consisting of resources in Mont-*
16 *gomery, Greene, Warren, Miami, Clark, and Cham-*
17 *paign Counties in Ohio.*

18 (2) *The Neil Armstrong Air & Space Museum,*
19 *Wapakoneta, Ohio, and the Wilbur Wright Birthplace*
20 *and Museum, Millville, Indiana.*

21 (3) *Sites, buildings, and districts within the core*
22 *area recommended by the Management Plan.*

23 (c) *MAP.*—*A map of the Heritage Area shall be in-*
24 *cluded in the Management Plan. The map shall be on file*

1 *in the appropriate offices of the National Park Service, De-*
2 *partment of the Interior.*

3 (d) *MANAGEMENT ENTITY.*—*The management entity*
4 *for the Heritage Area shall be the Aviation Heritage Foun-*
5 *dation.*

6 **SEC. 905. AUTHORITIES AND DUTIES OF THE MANAGEMENT**
7 **ENTITY.**

8 (a) *AUTHORITIES.*—*For purposes of implementing the*
9 *Management Plan, the management entity may use Federal*
10 *funds made available through this title to—*

11 (1) *make grants to, and enter into cooperative*
12 *agreements with, the State of Ohio and political sub-*
13 *divisions of that State, private organizations, or any*
14 *person;*

15 (2) *hire and compensate staff; and*

16 (3) *enter into contracts for goods and services.*

17 (b) *DUTIES.*—*The management entity shall—*

18 (1) *develop and submit to the Secretary for ap-*
19 *proval the proposed Management Plan in accordance*
20 *with section 906;*

21 (2) *give priority to implementing actions set*
22 *forth in the Management Plan, including taking steps*
23 *to assist units of government and nonprofit organiza-*
24 *tions in preserving resources within the Heritage*
25 *Area and encouraging local governments to adopt*

1 *land use policies consistent with the management of*
2 *the Heritage Area and the goals of the Management*
3 *Plan;*

4 (3) *consider the interests of diverse governmental,*
5 *business, and nonprofit groups within the Heritage*
6 *Area in developing and implementing the Manage-*
7 *ment Plan;*

8 (4) *maintain a collaboration among the partners*
9 *to promote heritage tourism and to assist partners to*
10 *develop educational and cultural programs for the*
11 *public;*

12 (5) *encourage economic viability in the Heritage*
13 *Area consistent with the goals of the Management*
14 *Plan;*

15 (6) *assist units of government and nonprofit or-*
16 *ganizations in—*

17 (A) *establishing and maintaining interpre-*
18 *tive exhibits in the Heritage Area;*

19 (B) *developing recreational resources in the*
20 *Heritage Area;*

21 (C) *increasing public awareness of and ap-*
22 *preciation for the historical, natural, and archi-*
23 *tectural resources and sites in the Heritage Area;*

24 *and*

1 (D) restoring historic buildings that relate
2 to the purposes of the Heritage Area;

3 (7) assist units of government and nonprofit or-
4 ganizations to ensure that clear, consistent, and envi-
5 ronmentally appropriate signs identifying access
6 points and sites of interest are placed throughout the
7 Heritage Area;

8 (8) conduct public meetings at least quarterly re-
9 garding the implementation of the Management Plan;

10 (9) submit substantial amendments to the Man-
11 agement Plan to the Secretary for the approval of the
12 Secretary; and

13 (10) for any year in which Federal funds have
14 been received under this title—

15 (A) submit an annual report to the Sec-
16 retary that sets forth the accomplishments of the
17 management entity and its expenses and income;

18 (B) make available to the Secretary for
19 audit all records relating to the expenditure of
20 such funds and any matching funds; and

21 (C) require, with respect to all agreements
22 authorizing expenditure of Federal funds by
23 other organizations, that the receiving organiza-
24 tions make available to the Secretary for audit

1 *all records concerning the expenditure of such*
2 *funds.*

3 (c) *USE OF FEDERAL FUNDS.—*

4 (1) *IN GENERAL.—The management entity shall*
5 *not use Federal funds received under this title to ac-*
6 *quire real property or an interest in real property.*

7 (2) *OTHER SOURCES.—Nothing in this title pre-*
8 *cludes the management entity from using Federal*
9 *funds from other sources for authorized purposes.*

10 **SEC. 906. MANAGEMENT PLAN.**

11 (a) *PREPARATION OF PLAN.—Not later than 3 years*
12 *after the date of enactment of this title, the management*
13 *entity shall submit to the Secretary for approval a proposed*
14 *Management Plan that shall take into consideration State*
15 *and local plans and involve residents, public agencies, and*
16 *private organizations in the Heritage Area.*

17 (b) *CONTENTS.—The Management Plan shall incor-*
18 *porate an integrated and cooperative approach for the pro-*
19 *tection, enhancement, and interpretation of the natural,*
20 *cultural, historic, scenic, and recreational resources of the*
21 *Heritage Area and shall include the following:*

22 (1) *An inventory of the resources contained in*
23 *the core area of the Heritage Area, including the Day-*
24 *ton Aviation Heritage Historical Park, the sites,*
25 *buildings, and districts listed in section 202 of the*

1 *Dayton Aviation Heritage Preservation Act of 1992*
2 *(Public Law 102–419), and any other property in the*
3 *Heritage Area that is related to the themes of the Her-*
4 *itage Area and that should be preserved, restored,*
5 *managed, or maintained because of its significance.*

6 (2) *An assessment of cultural landscapes within*
7 *the Heritage Area.*

8 (3) *Provisions for the protection, interpretation,*
9 *and enjoyment of the resources of the Heritage Area*
10 *consistent with the purposes of this title.*

11 (4) *An interpretation plan for the Heritage*
12 *Area.*

13 (5) *A program for implementation of the Man-*
14 *agement Plan by the management entity, including*
15 *the following:*

16 (A) *Facilitating ongoing collaboration*
17 *among the partners to promote heritage tourism*
18 *and to develop educational and cultural pro-*
19 *grams for the public.*

20 (B) *Assisting partners planning for restora-*
21 *tion and construction.*

22 (C) *Specific commitments of the partners*
23 *for the first 5 years of operation.*

24 (6) *The identification of sources of funding for*
25 *implementing the plan.*

1 (7) *A description and evaluation of the manage-*
2 *ment entity, including its membership and organiza-*
3 *tional structure.*

4 (c) *DISQUALIFICATION FROM FUNDING.*—*If a proposed*
5 *Management Plan is not submitted to the Secretary within*
6 *3 years of the date of the enactment of this title, the manage-*
7 *ment entity shall be ineligible to receive additional funding*
8 *under this title until the date on which the Secretary re-*
9 *ceives the proposed Management Plan.*

10 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
11 *PLAN.*—*The Secretary, in consultation with the State of*
12 *Ohio, shall approve or disapprove the proposed Manage-*
13 *ment Plan submitted under this title not later than 90 days*
14 *after receiving such proposed Management Plan.*

15 (e) *ACTION FOLLOWING DISAPPROVAL.*—*If the Sec-*
16 *retary disapproves a proposed Management Plan, the Sec-*
17 *retary shall advise the management entity in writing of the*
18 *reasons for the disapproval and shall make recommenda-*
19 *tions for revisions to the proposed Management Plan. The*
20 *Secretary shall approve or disapprove a proposed revision*
21 *within 90 days after the date it is submitted.*

22 (f) *APPROVAL OF AMENDMENTS.*—*The Secretary shall*
23 *review and approve substantial amendments to the Manage-*
24 *ment Plan. Funds appropriated under this title may not*

1 *be expended to implement any changes made by such*
2 *amendment until the Secretary approves the amendment.*

3 **SEC. 907. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
4 **FEDERAL AGENCIES.**

5 (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—Upon
6 *the request of the management entity, the Secretary may*
7 *provide technical assistance, on a reimbursable or non-*
8 *reimbursable basis, and financial assistance to the Heritage*
9 *Area to develop and implement the management plan. The*
10 *Secretary is authorized to enter into cooperative agreements*
11 *with the management entity and other public or private*
12 *entities for this purpose. In assisting the Heritage Area,*
13 *the Secretary shall give priority to actions that in general*
14 *assist in—*

15 (1) *conserving the significant natural, historic,*
16 *cultural, and scenic resources of the Heritage Area;*
17 *and*

18 (2) *providing educational, interpretive, and rec-*
19 *reational opportunities consistent with the purposes of*
20 *the Heritage Area.*

21 (b) *DUTIES OF OTHER FEDERAL AGENCIES.*—Any
22 *Federal agency conducting or supporting activities directly*
23 *affecting the Heritage Area shall—*

24 (1) *consult with the Secretary and the manage-*
25 *ment entity with respect to such activities;*

1 (2) *cooperate with the Secretary and the man-*
2 *agement entity in carrying out their duties under this*
3 *title;*

4 (3) *to the maximum extent practicable, coordi-*
5 *nate such activities with the carrying out of such du-*
6 *ties; and*

7 (4) *to the maximum extent practicable, conduct*
8 *or support such activities in a manner which the*
9 *management entity determines will not have an ad-*
10 *verse effect on the Heritage Area.*

11 **SEC. 908. COORDINATION BETWEEN THE SECRETARY AND**
12 **THE SECRETARY OF DEFENSE AND THE AD-**
13 **MINISTRATOR OF NASA.**

14 *The decisions concerning the execution of this title as*
15 *it applies to properties under the control of the Secretary*
16 *of Defense and the Administrator of the National Aero-*
17 *nautics and Space Administration shall be made by such*
18 *Secretary or such Administrator, in consultation with the*
19 *Secretary of the Interior.*

20 **SEC. 909. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) *IN GENERAL.*—*To carry out this title there is au-*
22 *thorized to be appropriated \$10,000,000, except that not*
23 *more than \$1,000,000 may be appropriated to carry out*
24 *this title for any fiscal year.*

1 **(b) FIFTY PERCENT MATCH.**—*The Federal share of the*
2 *cost of activities carried out using any assistance or grant*
3 *under this title shall not exceed 50 percent.*

4 **SEC. 910. SUNSET PROVISION.**

5 *The authority of the Secretary to provide assistance*
6 *under this title terminates on the date that is 15 years after*
7 *the date of enactment of this title.*

8 **SEC. 911. STUDY.**

9 **(a) IN GENERAL.**—*The Secretary shall conduct a spe-*
10 *cial resource study updating the study required under sec-*
11 *tion 104 of the Dayton Aviation Heritage Preservation Act*
12 *of 1992 (Public Law 102–419) and detailing alternatives*
13 *for incorporating the Wright Company factory as a unit*
14 *of Dayton Aviation Heritage National Historical Park.*

15 **(b) CONTENTS.**—*The study shall include an analysis*
16 *of alternatives for including the Wright Company factory*
17 *as a unit of Dayton Aviation Heritage National Historical*
18 *Park that detail management and development options and*
19 *costs.*

20 **(c) CONSULTATION.**—*In conducting the study, the Sec-*
21 *retary shall consult with the Delphi Corporation, the Day-*
22 *ton Aviation Heritage Commission, the Aviation Heritage*
23 *Foundation, State and local agencies, and other interested*
24 *parties in the area.*

1 **SEC. 912. REPORT.**

2 *Not later than 3 years after funds are first made avail-*
3 *able for this title, the Secretary shall submit to the Com-*
4 *mittee on Resources of the House of Representatives and the*
5 *Committee on Energy and Natural Resources of the Senate*
6 *a report describing the results of the study conducted under*
7 *section 911.*

8 **TITLE X—CHAMPLAIN VALLEY**
9 **NATIONAL HERITAGE PART-**
10 **nership**

11 **SEC. 1001. SHORT TITLE.**

12 *This title may be cited as the “Champlain Valley Na-*
13 *tional Heritage Partnership Act of 2002”.*

14 **SEC. 1002. FINDINGS AND PURPOSES.**

15 *(a) FINDINGS.—Congress finds that—*

16 *(1) the Champlain Valley and its extensive cul-*
17 *tural and natural resources have played a significant*
18 *role in the history of the United States and the indi-*
19 *vidual States of Vermont and New York;*

20 *(2) archeological evidence indicates that the*
21 *Champlain Valley has been inhabited by humans*
22 *since the last retreat of the glaciers, with the Native*
23 *Americans living in the area at the time of European*
24 *discovery being primarily of Iroquois and Algonquin*
25 *descent;*

1 (3) *the linked waterways of the Champlain Val-*
2 *ley, including the Richelieu River in Canada, played*
3 *a unique and significant role in the establishment*
4 *and development of the United States and Canada*
5 *through several distinct eras, including—*

6 (A) *the era of European exploration, during*
7 *which Samuel de Champlain and other explorers*
8 *used the waterways as a means of access through*
9 *the wilderness;*

10 (B) *the era of military campaigns, includ-*
11 *ing highly significant military campaigns of the*
12 *French and Indian War, the American Revolu-*
13 *tion, and the War of 1812; and*

14 (C) *the era of maritime commerce, during*
15 *which canals boats, schooners, and steamships*
16 *formed the backbone of commercial transpor-*
17 *tation for the region;*

18 (4) *those unique and significant eras are best de-*
19 *scribed by the theme “The Making of Nations and*
20 *Corridors of Commerce”;*

21 (5) *the artifacts and structures associated with*
22 *those eras are unusually well-preserved;*

23 (6) *the Champlain Valley is recognized as having*
24 *one of the richest collections of historical resources in*
25 *North America;*

1 (7) *the history and cultural heritage of the*
2 *Champlain Valley are shared with Canada and the*
3 *Province of Quebec;*

4 (8) *there are benefits in celebrating and pro-*
5 *moting this mutual heritage;*

6 (9) *tourism is among the most important indus-*
7 *tries in the Champlain Valley, and heritage tourism*
8 *in particular plays a significant role in the economy*
9 *of the Champlain Valley;*

10 (10) *it is important to enhance heritage tourism*
11 *in the Champlain Valley while ensuring that in-*
12 *creased visitation will not impair the historical and*
13 *cultural resources of the region;*

14 (11) *according to the 1999 report of the National*
15 *Park Service entitled “Champlain Valley Heritage*
16 *Corridor Project”, “the Champlain Valley contains*
17 *resources and represents a theme ‘The Making of Na-*
18 *tions and Corridors of Commerce’, that is of out-*
19 *standing importance in H.S. history”; and*

20 (12) *it is in the interest of the United States to*
21 *preserve and interpret the historical and cultural re-*
22 *sources of the Champlain Valley for the education and*
23 *benefit of present and future generations.*

24 (b) *PURPOSES.*—*The purposes of this title are—*

1 (1) *to establish the Champlain Valley National*
2 *Heritage Partnership in the States of Vermont and*
3 *New York to recognize the importance of the histor-*
4 *ical, cultural, and recreational resources of the Cham-*
5 *plain Valley region to the United States;*

6 (2) *to assist the States of Vermont and New*
7 *York, including units of local government and non-*
8 *governmental organizations in the States, in pre-*
9 *servicing, protecting, and interpreting those resources*
10 *for the benefit of the people of the United States;*

11 (3) *to use those resources and the theme “The*
12 *Making of Nations and Corridors of Commerce” to—*

13 (A) *revitalize the economy of communities*
14 *in the Champlain Valley; and*

15 (B) *generate and sustain increased levels of*
16 *tourism in the Champlain Valley;*

17 (4) *to encourage—*

18 (A) *partnerships among State and local*
19 *governments and nongovernmental organizations*
20 *in the United States; and*

21 (B) *collaboration with Canada and the*
22 *Province of Quebec to—*

23 (i) *interpret and promote the history of*
24 *the waterways of the Champlain Valley re-*
25 *gion;*

- 1 (ii) form stronger bonds between the
2 United States and Canada; and
3 (iii) promote the international aspects
4 of the Champlain Valley region; and
5 (5) to provide financial and technical assistance
6 for the purposes described in paragraphs (1) through
7 (4).

8 **SEC. 1003. DEFINITIONS.**

9 In this title:

10 (1) *HERITAGE PARTNERSHIP*.—The term “Herit-
11 age Partnership” means the Champlain Valley Na-
12 tional Heritage Partnership established by section
13 1004(a).

14 (2) *MANAGEMENT ENTITY*.—The term “manage-
15 ment entity” means the Lake Champlain Basin Pro-
16 gram.

17 (3) *MANAGEMENT PLAN*.—The term “manage-
18 ment plan” means the management plan developed
19 under section 1004(b)(1)(B)(i).

20 (4) *REGION*.—

21 (A) *IN GENERAL*.—The term “region”
22 means any area or community in one of the
23 States in which a physical, cultural, or histor-
24 ical resource that represents the theme is located.

1 (B) *INCLUSIONS.*—*The term “region”*
2 *includes—*

3 (i) *the linked navigable waterways*
4 *of—*

5 (I) *Lake Champlain;*

6 (II) *Lake George;*

7 (III) *the Champlain Canal; and*

8 (IV) *the portion of the Upper*
9 *Hudson River extending south to Sara-*
10 *toga;*

11 (ii) *portions of Grand Isle, Franklin,*
12 *Chittenden, Addison, Rutland, and*
13 *Bennington Counties in the State of*
14 *Vermont; and*

15 (iii) *portions of Clinton, Essex, War-*
16 *ren, Saratoga, and Washington Counties in*
17 *the State of New York.*

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

20 (6) *STATE.*—*The term “State” means—*

21 (A) *the State of Vermont; and*

22 (B) *the State of New York.*

23 (7) *THEME.*—*The term “theme” means the theme*
24 *“The Making of Nations and Corridors of Commerce”,*
25 *as the term is used in the 1999 report of the National*

1 *Park Service entitled “Champlain Valley Heritage*
2 *Corridor Project”, that describes the periods of inter-*
3 *national conflict and maritime commerce during*
4 *which the region played a unique and significant role*
5 *in the development of the United States and Canada.*

6 **SEC. 1004. HERITAGE PARTNERSHIP.**

7 (a) *ESTABLISHMENT.*—*There is established in the re-*
8 *gion the Champlain Valley National Heritage Partnership.*

9 (b) *MANAGEMENT ENTITY.*—

10 (1) *DUTIES.*—

11 (A) *IN GENERAL.*—*The management entity*
12 *shall implement the title.*

13 (B) *MANAGEMENT PLAN.*—(i) *Not later*
14 *than 3 years after the date of enactment of this*
15 *title, the management entity shall develop a*
16 *management plan for the Heritage Partnership.*

17 (ii) *EXISTING PLAN.*—*Pending the comple-*
18 *tion and approval of the management plan, the*
19 *management entity may implement the provi-*
20 *sions of this title based on its federally author-*
21 *ized plan “Opportunities for Action, an Evolv-*
22 *ing Plan For Lake Champlain”.*

23 (iii) *CONTENTS.*—*The management plan*
24 *shall include—*

1 (I) *recommendations for funding, man-*
2 *aging, and developing the Heritage Partner-*
3 *ship;*

4 (II) *a description of activities to be*
5 *carried out by public and private organiza-*
6 *tions to protect the resources of the Heritage*
7 *Partnership;*

8 (III) *a list of specific, potential sources*
9 *of funding for the protection, management,*
10 *and development of the Heritage Partner-*
11 *ship;*

12 (IV) *an assessment of the organiza-*
13 *tional capacity of the management entity to*
14 *achieve the goals for implementation; and*

15 (V) *recommendations of ways in which*
16 *to encourage collaboration with Canada and*
17 *the Province of Quebec in implementing this*
18 *title.*

19 (iv) *CONSIDERATIONS.—In developing the*
20 *management plan under clause (i), the manage-*
21 *ment entity shall take into consideration existing*
22 *Federal, State, and local plans relating to the re-*
23 *gion.*

24 (v) *SUBMISSION TO SECRETARY FOR AP-*
25 *PROVAL.—*

1 (I) *IN GENERAL.*—Not later than 3
2 years after the date of enactment of this
3 title, the management entity shall submit
4 the management plan to the Secretary for
5 approval.

6 (II) *EFFECT OF FAILURE TO SUB-*
7 *MIT.*—If a management plan is not sub-
8 mitted to the Secretary by the date specified
9 in subclause (I), the Secretary shall not pro-
10 vide any additional funding under this title
11 until a management plan for the Heritage
12 Partnership is submitted to the Secretary.

13 (vi) *APPROVAL.*—Not later than 90 days
14 after receiving the management plan submitted
15 under clause (v), the Secretary, in consultation
16 with the States, shall approve or disapprove the
17 management plan.

18 (vii) *ACTION FOLLOWING DISAPPROVAL.*—

19 (I) *IN GENERAL.*—If the Secretary dis-
20 approves a management plan under clause
21 (vi), the Secretary shall—

22 (aa) advise the management enti-
23 ty in writing of the reasons for the dis-
24 approval;

1 (bb) make recommendations for
2 revisions to the management plan; and

3 (cc) allow the management entity
4 to submit to the Secretary revisions to
5 the management plan.

6 (II) DEADLINE FOR APPROVAL OF RE-
7 VISION.—Not later than 90 days after the
8 date on which a revision is submitted under
9 clause (vii)(I)(cc), the Secretary shall ap-
10 prove or disapprove the revision.

11 (viii) AMENDMENT.—

12 (I) IN GENERAL.—After approval by
13 the Secretary of the management plan, the
14 management entity shall periodically—

15 (aa) review the management plan;

16 and

17 (bb) submit to the Secretary, for
18 review and approval by the Secretary,
19 the recommendations of the manage-
20 ment entity for any amendments to the
21 management plan that the manage-
22 ment entity considers to be appro-
23 priate.

24 (II) EXPENDITURE OF FUNDS.—No
25 funds made available under this title shall

1 *be used to implement any amendment pro-*
2 *posed by the management entity under*
3 *clause (viii)(I) until the Secretary approves*
4 *the amendments.*

5 (2) *PARTNERSHIPS.—*

6 (A) *IN GENERAL.—In carrying out this*
7 *title, the management entity may enter into*
8 *partnerships with—*

9 (i) *the States, including units of local*
10 *governments in the States;*

11 (ii) *nongovernmental organizations;*

12 (iii) *Indian tribes; and*

13 (iv) *other persons in the Heritage*
14 *Partnership.*

15 (B) *GRANTS.—Subject to the availability of*
16 *funds, the management entity may provide*
17 *grants to partners under subparagraph (A) to*
18 *assist in implementing this title.*

19 (3) *PROHIBITION ON THE ACQUISITION OF REAL*
20 *PROPERTY.—The management entity shall not use*
21 *Federal funds made available under this title to ac-*
22 *quire real property or any interest in real property.*

23 (c) *ASSISTANCE FROM SECRETARY.—To carry out the*
24 *purposes of this title, the Secretary may provide technical*
25 *and financial assistance to the management entity.*

1 **SEC. 1005. SAVINGS PROVISIONS.**

2 *Nothing in this title—*

3 *(1) grants powers of zoning or land use to the*
4 *management entity;*

5 *(2) modifies, enlarges, or diminishes the author-*
6 *ity of the Federal Government or a State or local gov-*
7 *ernment to manage or regulate any use of land under*
8 *any law (including regulations); or*

9 *(3) obstructs or limits private business develop-*
10 *ment activities or resource development activities.*

11 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS.**

12 *(a) IN GENERAL.—There is authorized to be appro-*
13 *priated to carry out this title not more than a total of*
14 *\$10,000,000, of which not more than \$1,000,000 may be*
15 *made available for any fiscal year.*

16 *(b) NON-FEDERAL SHARE.—The non-Federal share of*
17 *the cost of any activities carried out using Federal funds*
18 *made available under subsection (a) shall not be less than*
19 *50 percent.*

20 **SEC. 1007. TERMINATION OF AUTHORITY.**

21 *The authority of the Secretary to provide assistance*
22 *under this title terminates on the date that is 15 years after*
23 *the date of enactment of this title.*

1 **TITLE XI—BLUE RIDGE**
2 **NATIONAL HERITAGE AREA**

3 **SEC. 1101. SHORT TITLE.**

4 *This title may be cited as the “Blue Ridge National*
5 *Heritage Area Act of 2002”.*

6 **SEC. 1102. FINDINGS AND PURPOSES.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) the Blue Ridge Mountains and the extensive*
9 *cultural and natural resources of the Blue Ridge*
10 *Mountains have played a significant role in the his-*
11 *tory of the United States and the State of North*
12 *Carolina;*

13 *(2) archaeological evidence indicates that the*
14 *Blue Ridge Mountains have been inhabited by hu-*
15 *mans since the last retreat of the glaciers, with the*
16 *Native Americans living in the area at the time of*
17 *European discovery being primarily of Cherokee de-*
18 *scend;*

19 *(3) the Blue Ridge Mountains of western North*
20 *Carolina, including the Great Smoky Mountains,*
21 *played a unique and significant role in the establish-*
22 *ment and development of the culture of the United*
23 *States through several distinct legacies, including—*

24 *(A) the craft heritage that—*

1 (i) was first influenced by the Cherokee
2 Indians;

3 (ii) was the origin of the traditional
4 craft movement starting in 1900 and the
5 contemporary craft movement starting in
6 the 1940's; and

7 (iii) is carried out by over 4,000
8 craftspeople in the Blue Ridge Mountains of
9 western North Carolina, the third largest
10 concentration of such people in the United
11 States;

12 (B) a musical heritage comprised of distinc-
13 tive instrumental and vocal traditions that—

14 (i) includes stringband music, blue-
15 grass, ballad singing, blues, and sacred
16 music;

17 (ii) has received national recognition;
18 and

19 (iii) has made the region one of the
20 richest repositories of traditional music and
21 folklife in the United States;

22 (C) the Cherokee heritage—

23 (i) dating back thousands of years; and

24 (ii) offering—

- 1 (I) nationally significant cultural
2 traditions practiced by the Eastern
3 Band of Cherokee Indians;
- 4 (II) authentic tradition bearers;
5 (III) historic sites; and
6 (IV) historically important collec-
7 tions of Cherokee artifacts; and
- 8 (D) the agricultural heritage established by
9 the Cherokee Indians, including medicinal and
10 ceremonial food crops, combined with the historic
11 European patterns of raising livestock, culmi-
12 nating in the largest number of specialty crop
13 farms in North Carolina;
- 14 (4) the artifacts and structures associated with
15 those legacies are unusually well-preserved;
- 16 (5) the Blue Ridge Mountains are recognized as
17 having one of the richest collections of historical re-
18 sources in North America;
- 19 (6) the history and cultural heritage of the Blue
20 Ridge Mountains are shared with the States of Vir-
21 ginia, Tennessee, and Georgia;
- 22 (7) there are significant cultural, economic, and
23 educational benefits in celebrating and promoting this
24 mutual heritage;

1 (8) according to the 2002 reports entitled “*The*
2 *Blue Ridge Heritage and Cultural Partnership*” and
3 “*Western North Carolina National Heritage Area*
4 *Feasibility Study and Plan*”, the Blue Ridge Moun-
5 tains contain numerous resources that are of out-
6 standing importance to the history of the United
7 States; and

8 (9) it is in the interest of the United States to
9 preserve and interpret the cultural and historical re-
10 sources of the Blue Ridge Mountains for the education
11 and benefit of present and future generations.

12 (b) *PURPOSE.*—*The purpose of this title is to foster*
13 *a close working relationship with, and to assist, all levels*
14 *of government, the private sector, and local communities in*
15 *the State in managing, preserving, protecting, and inter-*
16 *preting the cultural, historical, and natural resources of the*
17 *Heritage Area while continuing to develop economic oppor-*
18 *tunities.*

19 **SEC. 1103. DEFINITIONS.**

20 *In this title:*

21 (1) *HERITAGE AREA.*—*The term “Heritage*
22 *Area” means the Blue Ridge National Heritage Area*
23 *established by section 1104(a).*

1 (2) *MANAGEMENT ENTITY.*—The term “manage-
2 ment entity” means the management entity for the
3 Heritage Area designated by section 1104(c).

4 (3) *MANAGEMENT PLAN.*—The term “manage-
5 ment plan” means the management plan for the Her-
6 itage Area approved under section 1105.

7 (4) *SECRETARY.*—The term “Secretary” means
8 the Secretary of the Interior.

9 (5) *STATE.*—The term “State” means the State
10 of North Carolina.

11 **SEC. 1104. BLUE RIDGE NATIONAL HERITAGE AREA.**

12 (a) *ESTABLISHMENT.*—There is established the Blue
13 Ridge National Heritage Area in the State.

14 (b) *BOUNDARIES.*—The Heritage Area shall consist of
15 the counties of Alleghany, Ashe, Avery, Buncombe, Burke,
16 Caldwell, Cherokee, Clay, Graham, Haywood, Henderson,
17 Jackson, McDowell, Macon, Madison, Mitchell, Polk, Ruth-
18 erford, Surry, Swain, Transylvania, Watauga, Wilkes,
19 Yadkin, and Yancey in the State.

20 (c) *MANAGEMENT ENTITY.*—

21 (1) *IN GENERAL.*—As a condition of the receipt
22 of funds made available under section 1109(a), the
23 Blue Ridge National Heritage Area Partnership shall
24 be the management entity for the Heritage Area.

25 (2) *BOARD OF DIRECTORS.*—

1 (A) *COMPOSITION.*—*The management entity*
2 *shall be governed by a board of directors com-*
3 *posed of 9 members, of whom—*

4 (i) *two members shall be appointed by*
5 *AdvantageWest;*

6 (ii) *two members shall be appointed by*
7 *HandMade In America, Inc.;*

8 (iii) *one member shall be appointed by*
9 *the Education Resources Consortium of*
10 *Western North Carolina;*

11 (iv) *one member shall be appointed by*
12 *the Eastern Band of the Cherokee Indians;*
13 *and*

14 (v) *three members shall be appointed*
15 *by the Governor of North Carolina and*
16 *shall—*

17 (I) *reside in geographically di-*
18 *verse regions of the Heritage Area;*

19 (II) *be a representative of State or*
20 *local governments or the private sector;*
21 *and*

22 (III) *have knowledge of tourism,*
23 *economic and community development,*
24 *regional planning, historic preserva-*
25 *tion, cultural or natural resources de-*

1 *velopment, regional planning, con-*
2 *servation, recreational services, edu-*
3 *cation, or museum services.*

4 **SEC. 1105. MANAGEMENT PLAN.**

5 *(a) IN GENERAL.—Not later than 3 years after the*
6 *date of enactment of this title, the management entity shall*
7 *submit to the Secretary for approval a management plan*
8 *for the Heritage Area.*

9 *(b) CONSIDERATION OF OTHER PLANS AND AC-*
10 *TIONS.—In developing the management plan, the manage-*
11 *ment entity shall—*

12 *(1) for the purpose of presenting a unified pres-*
13 *ervation and interpretation plan, take into consider-*
14 *ation Federal, State, and local plans; and*

15 *(2) provide for the participation of residents,*
16 *public agencies, and private organizations in the*
17 *Heritage Area.*

18 *(c) CONTENTS.—The management plan shall—*

19 *(1) present comprehensive recommendations and*
20 *strategies for the conservation, funding, management,*
21 *and development of the Heritage Area;*

22 *(2) identify existing and potential sources of*
23 *Federal and non-Federal funding for the conservation,*
24 *management, and development of the Heritage Area;*
25 *and*

1 (3) *include—*

2 (A) *an inventory of the cultural, historical,*
3 *natural, and recreational resources of the Herit-*
4 *age Area, including a list of property that—*

5 (i) *relates to the purposes of the Herit-*
6 *age Area; and*

7 (ii) *should be conserved, restored, man-*
8 *aged, developed, or maintained because of*
9 *the significance of the property;*

10 (B) *a program of strategies and actions for*
11 *the implementation of the management plan that*
12 *identifies the roles of agencies and organizations*
13 *that are involved in the implementation of the*
14 *management plan;*

15 (C) *an interpretive and educational plan*
16 *for the Heritage Area;*

17 (D) *a recommendation of policies for re-*
18 *source management and protection that develop*
19 *intergovernmental cooperative agreements to*
20 *manage and protect the cultural, historical, nat-*
21 *ural, and recreational resources of the Heritage*
22 *Area; and*

23 (E) *an analysis of ways in which Federal,*
24 *State, and local programs may best be coordi-*
25 *nated to promote the purposes of this title.*

1 (d) *EFFECT OF FAILURE TO SUBMIT.*—If a manage-
2 ment plan is not submitted to the Secretary by the date
3 described in subsection (a), the Secretary shall not provide
4 any additional funding under this title until a management
5 plan is submitted to the Secretary.

6 (e) *APPROVAL OR DISAPPROVAL OF MANAGEMENT*
7 *PLAN.*—

8 (1) *IN GENERAL.*—Not later than 90 days after
9 receiving the management plan submitted under sub-
10 section (a), the Secretary shall approve or disapprove
11 the management plan.

12 (2) *CRITERIA.*—In determining whether to ap-
13 prove the management plan, the Secretary shall con-
14 sider whether the management plan—

15 (A) has strong local support from land-
16 owners, business interests, nonprofit organiza-
17 tions, and governments in the Heritage Area;
18 and

19 (B) has a high potential for effective part-
20 nership mechanisms.

21 (3) *ACTION FOLLOWING DISAPPROVAL.*—If the
22 Secretary disapproves a management plan under
23 paragraph (1), the Secretary shall—

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

1 (B) make recommendations for revisions to
2 the management plan; and

3 (C) allow the management entity to submit
4 to the Secretary revisions to the management
5 plan.

6 (4) *DEADLINE FOR APPROVAL OF REVISION.*—
7 Not later than 60 days after the date on which a revi-
8 sion is submitted under paragraph (3)(C), the Sec-
9 retary shall approve or disapprove the proposed revi-
10 sion.

11 (f) *AMENDMENT OF APPROVED MANAGEMENT PLAN.*—

12 (1) *IN GENERAL.*—After approval by the Sec-
13 retary of a management plan, the management entity
14 shall periodically—

15 (A) review the management plan; and

16 (B) submit to the Secretary, for review and
17 approval, the recommendation of the manage-
18 ment entity for any amendments to the manage-
19 ment plan.

20 (2) *USE OF FUNDS.*—No funds made available
21 under section 1109(a) shall be used to implement any
22 amendment proposed by the management entity
23 under paragraph (1)(B) until the Secretary approves
24 the amendment.

1 **SEC. 1106. AUTHORITIES AND DUTIES OF THE MANAGE-**
2 **MENT ENTITY.**

3 (a) *AUTHORITIES.*—For the purposes of developing
4 and implementing the management plan, the management
5 entity may use funds made available under section 1109(a)
6 to—

7 (1) *make grants to, and enter into cooperative*
8 *agreements with, the State (including a political sub-*
9 *division), nonprofit organizations, or persons;*

10 (2) *hire and compensate staff; and*

11 (3) *enter into contracts for goods and services.*

12 (b) *DUTIES.*—In addition to developing the manage-
13 ment plan, the management entity shall—

14 (1) *develop and implement the management plan*
15 *while considering the interests of diverse units of gov-*
16 *ernment, businesses, private property owners, and*
17 *nonprofit groups in the Heritage Area;*

18 (2) *conduct public meetings in the Heritage Area*
19 *at least semiannually on the development and imple-*
20 *mentation of the management plan;*

21 (3) *give priority to the implementation of ac-*
22 *tions, goals, and strategies in the management plan,*
23 *including providing assistance to units of govern-*
24 *ment, nonprofit organizations, and persons in—*

25 (A) *carrying out the programs that protect*
26 *resources in the Heritage Area;*

1 (B) encouraging economic viability in the
2 Heritage Area in accordance with the goals of
3 the management plan;

4 (C) establishing and maintaining interpre-
5 tive exhibits in the Heritage Area;

6 (D) developing recreational and educational
7 opportunities in the Heritage Area; and

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

11 (4) for any fiscal year for which Federal funds
12 are received under section 1109(a)—

13 (A) submit to the Secretary a report that
14 describes, for the fiscal year—

15 (i) the accomplishments of the manage-
16 ment entity;

17 (ii) the expenses and income of the
18 management entity; and

19 (iii) each entity to which a grant was
20 made;

21 (B) make available for audit by Congress,
22 the Secretary, and appropriate units of govern-
23 ment, all records relating to the expenditure of
24 funds and any matching funds; and

1 (C) require, for all agreements authorizing
2 expenditure of Federal funds by any entity, that
3 the receiving entity make available for audit all
4 records relating to the expenditure of funds.

5 (c) **PROHIBITION ON THE ACQUISITION OF REAL**
6 **PROPERTY.**—The management entity shall not use Federal
7 funds received under section 1109(a) to acquire real prop-
8 erty or an interest in real property.

9 **SEC. 1107. TECHNICAL AND FINANCIAL ASSISTANCE.**

10 (a) **IN GENERAL.**—The Secretary may provide to the
11 management entity technical assistance and, subject to the
12 availability of appropriations, financial assistance, for use
13 in developing and implementing the management plan.

14 (b) **PRIORITY FOR ASSISTANCE.**—In providing assist-
15 ance under subsection (a), the Secretary shall give priority
16 to actions that facilitate—

17 (1) the preservation of the significant cultural,
18 historical, natural, and recreational resources of the
19 Heritage Area; and

20 (2) the provision of educational, interpretive,
21 and recreational opportunities that are consistent
22 with the resources of the Heritage Area.

23 **SEC. 1108. LAND USE REGULATION.**

24 (a) **IN GENERAL.**—Nothing in this title—

1 (1) *grants any power of zoning or land use to*
2 *the management entity; or*

3 (2) *modifies, enlarges, or diminishes any author-*
4 *ity of the Federal Government or any State or local*
5 *government to regulate any use of land under any*
6 *law (including regulations).*

7 (b) *PRIVATE PROPERTY.—Nothing in this title—*

8 (1) *abridges the rights of any person with respect*
9 *to private property;*

10 (2) *affects the authority of the State or local gov-*
11 *ernment with respect to private property; or*

12 (3) *imposes any additional burden on any prop-*
13 *erty owner.*

14 **SEC. 1109. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) *IN GENERAL.—There is authorized to be appro-*
16 *priated to carry out this title \$10,000,000, of which not*
17 *more than \$1,000,000 shall be made available for any fiscal*
18 *year.*

19 (b) *NON-FEDERAL SHARE.—The non-Federal share of*
20 *the cost of any activities carried out using Federal funds*
21 *made available under subsection (a) shall be not less than*
22 *50 percent.*

1 **SEC. 1110. TERMINATION OF AUTHORITY.**

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

5 **TITLE XII—ATCHAFALAYA**
6 **NATIONAL HERITAGE AREA**

7 **SEC. 1201. SHORT TITLE.**

8 *This title may be cited as the “Atchafalaya National*
9 *Heritage Area Act”.*

10 **SEC. 1202. FINDINGS.**

11 *Congress finds that—*

12 *(1) the Atchafalaya Basin area of Louisiana,*
13 *designated by the Louisiana Legislature as the*
14 *“Atchafalaya Trace State Heritage Area” and con-*
15 *sisting of the area described in section 1205(b), is an*
16 *area in which natural, scenic, cultural, and historic*
17 *resources form a cohesive and nationally distinctive*
18 *landscape arising from patterns of human activity*
19 *shaped by geography;*

20 *(2) the significance of the area is enhanced by*
21 *the continued use of the area by people whose tradi-*
22 *tions have helped shape the landscape;*

23 *(3) there is a national interest in protecting,*
24 *conserving, restoring, promoting, and interpreting the*
25 *benefits of the area for the residents of, and visitors*
26 *to, the area;*

1 (4) *the area represents an assemblage of rich and*
2 *varied resources forming a unique aspect of the herit-*
3 *age of the United States;*

4 (5) *the area reflects a complex mixture of people*
5 *and their origins, traditions, customs, beliefs, and*
6 *folkways of interest to the public;*

7 (6) *the land and water of the area offer out-*
8 *standing recreational opportunities, educational expe-*
9 *riences, and potential for interpretation and scientific*
10 *research; and*

11 (7) *local governments of the area support the es-*
12 *tablishment of a national heritage area.*

13 **SEC. 1203. PURPOSES.**

14 *The purposes of this title are—*

15 (1) *to protect, preserve, conserve, restore, pro-*
16 *mote, and interpret the significant resource values*
17 *and functions of the Atchafalaya Basin area and ad-*
18 *vance sustainable economic development of the area;*

19 (2) *to foster a close working relationship with all*
20 *levels of government, the private sector, and the local*
21 *communities in the area so as to enable those commu-*
22 *nities to conserve their heritage while continuing to*
23 *pursue economic opportunities; and*

24 (3) *to establish, in partnership with the State,*
25 *local communities, preservation organizations, private*

1 *corporations, and landowners in the Heritage Area,*
2 *the Atchafalaya Trace State Heritage Area, as des-*
3 *ignated by the Louisiana Legislature, as the*
4 *Atchafalaya National Heritage Area.*

5 **SEC. 1204. DEFINITIONS.**

6 *In this title:*

7 (1) *HERITAGE AREA.*—*The term “Heritage*
8 *Area” means the Atchafalaya National Heritage Area*
9 *established by section 1205(a).*

10 (2) *LOCAL COORDINATING ENTITY.*—*The term*
11 *“local coordinating entity” means the local coordi-*
12 *nating entity for the Heritage Area designated by sec-*
13 *tion 1205(c).*

14 (3) *MANAGEMENT PLAN.*—*The term “manage-*
15 *ment plan” means the management plan for the Her-*
16 *itage Area developed under section 1207.*

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

19 (5) *STATE.*—*The term “State” means the State*
20 *of Louisiana.*

21 **SEC. 1205. ATCHAFALAYA NATIONAL HERITAGE AREA.**

22 (a) *ESTABLISHMENT.*—*There is established in the*
23 *State the Atchafalaya National Heritage Area.*

24 (b) *BOUNDARIES.*—*The Heritage Area shall consist of*
25 *the whole of the following parishes in the State: St. Mary,*

1 *Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee,*
 2 *Iberville, Assumption, Terrebonne, Lafayette, West Baton*
 3 *Rouge, Concordia, and East Baton Rouge.*

4 *(c) LOCAL COORDINATING ENTITY.—*

5 *(1) IN GENERAL.—The Atchafalaya Trace Com-*
 6 *mission shall be the local coordinating entity for the*
 7 *Heritage Area.*

8 *(2) COMPOSITION.—The local coordinating entity*
 9 *shall be composed of 13 members appointed by the*
 10 *governing authority of each parish within the Herit-*
 11 *age Area.*

12 **SEC. 1206. AUTHORITIES AND DUTIES OF THE LOCAL CO-**
 13 **ORDINATING ENTITY.**

14 *(a) AUTHORITIES.—For the purposes of developing*
 15 *and implementing the management plan and otherwise car-*
 16 *rying out this title, the local coordinating entity may—*

17 *(1) make grants to, and enter into cooperative*
 18 *agreements with, the State, units of local government,*
 19 *and private organizations;*

20 *(2) hire and compensate staff; and*

21 *(3) enter into contracts for goods and services.*

22 *(b) DUTIES.—The local coordinating entity shall—*

23 *(1) submit to the Secretary for approval a man-*
 24 *agement plan;*

1 (2) *implement the management plan, including*
2 *providing assistance to units of government and oth-*
3 *ers in—*

4 (A) *carrying out programs that recognize*
5 *important resource values within the Heritage*
6 *Area;*

7 (B) *encouraging sustainable economic devel-*
8 *opment within the Heritage Area;*

9 (C) *establishing and maintaining interpre-*
10 *tive sites within the Heritage Area; and*

11 (D) *increasing public awareness of, and ap-*
12 *preciation for the natural, historic, and cultural*
13 *resources of, the Heritage Area;*

14 (3) *adopt bylaws governing the conduct of the*
15 *local coordinating entity; and*

16 (4) *for any year for which Federal funds are re-*
17 *ceived under this title, submit to the Secretary a re-*
18 *port that describes, for the year—*

19 (A) *the accomplishments of the local coordi-*
20 *nating entity; and*

21 (B) *the expenses and income of the local co-*
22 *ordinating entity.*

23 (c) *ACQUISITION OF REAL PROPERTY.—The local co-*
24 *ordinating entity shall not use Federal funds received under*

1 *this title to acquire real property or an interest in real*
2 *property.*

3 (d) *PUBLIC MEETINGS.*—*The local coordinating entity*
4 *shall conduct public meetings at least quarterly.*

5 **SEC. 1207. MANAGEMENT PLAN.**

6 (a) *IN GENERAL.*—*The local coordinating entity shall*
7 *develop a management plan for the Heritage Area that in-*
8 *corporates an integrated and cooperative approach to pro-*
9 *tect, interpret, and enhance the natural, scenic, cultural,*
10 *historic, and recreational resources of the Heritage Area.*

11 (b) *CONSIDERATION OF OTHER PLANS AND AC-*
12 *TIONS.*—*In developing the management plan, the local co-*
13 *ordinating entity shall—*

14 (1) *take into consideration State and local plans;*
15 *and*

16 (2) *invite the participation of residents, public*
17 *agencies, and private organizations in the Heritage*
18 *Area.*

19 (c) *CONTENTS.*—*The management plan shall*
20 *include—*

21 (1) *an inventory of the resources in the Heritage*
22 *Area, including—*

23 (A) *a list of property in the Heritage Area*
24 *that—*

1 (i) relates to the purposes of the Herit-
2 age Area; and

3 (ii) should be preserved, restored, man-
4 aged, or maintained because of the signifi-
5 cance of the property; and

6 (B) an assessment of cultural landscapes
7 within the Heritage Area;

8 (2) provisions for the protection, interpretation,
9 and enjoyment of the resources of the Heritage Area
10 consistent with this title;

11 (3) an interpretation plan for the Heritage Area;
12 and

13 (4) a program for implementation of the man-
14 agement plan that includes—

15 (A) actions to be carried out by units of
16 government, private organizations, and public-
17 private partnerships to protect the resources of
18 the Heritage Area; and

19 (B) the identification of existing and poten-
20 tial sources of funding for implementing the
21 plan.

22 (d) SUBMISSION TO SECRETARY FOR APPROVAL.—

23 (1) IN GENERAL.—Not later than 3 years after
24 the date of enactment of this title, the local coordi-

1 *nating entity shall submit the management plan to*
2 *the Secretary for approval.*

3 (2) *EFFECT OF FAILURE TO SUBMIT.*—*If a man-*
4 *agement plan is not submitted to the Secretary by the*
5 *date specified in paragraph (1), the Secretary shall*
6 *not provide any additional funding under this title*
7 *until a management plan for the Heritage Area is*
8 *submitted to the Secretary.*

9 (e) *APPROVAL.*—

10 (1) *IN GENERAL.*—*Not later than 90 days after*
11 *receiving the management plan submitted under sub-*
12 *section (d)(1), the Secretary, in consultation with the*
13 *State, shall approve or disapprove the management*
14 *plan.*

15 (2) *ACTION FOLLOWING DISAPPROVAL.*—

16 (A) *IN GENERAL.*—*If the Secretary dis-*
17 *approves a management plan under paragraph*
18 *(1), the Secretary shall—*

19 (i) *advise the local coordinating entity*
20 *in writing of the reasons for the dis-*
21 *approval;*

22 (ii) *make recommendations for revi-*
23 *sions to the management plan; and*

1 (iii) allow the local coordinating entity
2 to submit to the Secretary revisions to the
3 management plan.

4 (B) *DEADLINE FOR APPROVAL OF REVI-*
5 *SION.*—Not later than 90 days after the date on
6 which a revision is submitted under subpara-
7 graph (A)(iii), the Secretary shall approve or
8 disapprove the revision.

9 (f) *REVISION.*—

10 (1) *IN GENERAL.*—After approval by the Sec-
11 retary of a management plan, the local coordinating
12 entity shall periodically—

13 (A) review the management plan; and

14 (B) submit to the Secretary, for review and
15 approval by the Secretary, the recommendations
16 of the local coordinating entity for any revisions
17 to the management plan that the local coordi-
18 nating entity considers to be appropriate.

19 (2) *EXPENDITURE OF FUNDS.*—No funds made
20 available under this title shall be used to implement
21 any revision proposed by the local coordinating entity
22 under paragraph (1)(B) until the Secretary approves
23 the revision.

1 **SEC. 1208. COST SHARING.**

2 *The Federal share of the cost of any activity assisted*
3 *by the local coordinating entity under this title shall not*
4 *exceed 50 percent.*

5 **SEC. 1209. EFFECT.**

6 *Nothing in this title or in establishment of the Herit-*
7 *age Area—*

8 (1) *grants any Federal agency regulatory au-*
9 *thority over any interest in the Heritage Area, unless*
10 *cooperatively agreed on by all involved parties;*

11 (2) *modifies, enlarges, or diminishes any author-*
12 *ity of the Federal Government or a State or local gov-*
13 *ernment to regulate any use of land as provided for*
14 *by law (including regulations) in existence on the*
15 *date of enactment of this title;*

16 (3) *grants any power of zoning or land use to*
17 *the local coordinating entity;*

18 (4) *imposes any environmental, occupational,*
19 *safety, or other rule, standard, or permitting process*
20 *that is different from those in effect on the date of en-*
21 *actment of this title that would be applicable had the*
22 *Heritage Area not been established;*

23 (5)(A) *imposes any change in Federal environ-*
24 *mental quality standards; or*

25 (B) *authorizes designation of any portion of the*
26 *Heritage Area that is subject to part C of title I of*

1 *the Clean Air Act (42 U.S.C. 7470 et seq.) as class*
2 *1 for the purposes of that part solely by reason of the*
3 *establishment of the Heritage Area;*

4 (6) *authorizes any Federal or State agency to*
5 *impose more restrictive water use designations, or*
6 *water quality standards on uses of or discharges to,*
7 *waters of the United States or waters of the State*
8 *within or adjacent to the Heritage Area solely by rea-*
9 *son of the establishment of the Heritage Area;*

10 (7) *abridges, restricts, or alters any applicable*
11 *rule, standard, or review procedure for permitting of*
12 *facilities within or adjacent to the Heritage Area; or*

13 (8) *affects the continuing use and operation,*
14 *where located on the date of enactment of this title,*
15 *of any public utility or common carrier.*

16 **SEC. 1210. REPORTS.**

17 *For any year in which Federal funds have been made*
18 *available under this title, the local coordinating entity shall*
19 *submit to the Secretary a report that describes—*

20 (1) *the accomplishments of the local coordinating*
21 *entity; and*

22 (2) *the expenses and income of the local coordi-*
23 *nating entity.*

1 **SEC. 1211. AUTHORIZATION OF APPROPRIATIONS.**

2 *There is authorized to be appropriated to carry out*
3 *this title \$10,000,000, of which not more than \$1,000,000*
4 *shall be made available for any fiscal year.*

5 **SEC. 1212. TERMINATION OF AUTHORITY.**

6 *The authority of the Secretary to provide assistance*
7 *under this title terminates on the date that is 15 years after*
8 *the date of enactment of this title.*

Attest:

Secretary.

107TH CONGRESS
2^D SESSION

H. R. 695

AMENDMENT