

Calendar No. 796

110TH CONGRESS
2D SESSION

S. 2254

[Report No. 110-364]

To establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 29, 2007

Mr. COCHRAN (for himself, Mr. LOTT, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

JUNE 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mississippi Hills Na-
5 tional Heritage Area Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the area in northern Mississippi, and lo-
4 cated in the southern foothills of the Appalachian
5 range, has a unique identity that is shaped by—

6 (A) a diverse geological and geographical
7 environment, including substantial portions
8 of—

9 (i) the Red Clay Hills;

10 (ii) the Flatwoods;

11 (iii) the Pontotoc Ridge;

12 (iv) the Black Prairie; and

13 (v) the Northeastern Hills; and

14 (B) diverse peoples who—

15 (i) have settled in the area; and

16 (ii) have been strongly influenced by
17 the intersection of the distinctive cultures
18 of Appalachia and the Mississippi Delta;

19 (2) the area is rich with landmarks of diverse
20 cultural and historical significance, including—

21 (A) Native American settlements, particu-
22 larly those of the Chickasaw and Choctaw
23 tribes;

24 (B) the Natchez Trace Parkway;

25 (C) sites of important battles and other
26 significant actions of the Civil War, including—

1 (i) the Battle of Corinth;

2 (ii) the Battle of Brices Crossroads;

3 (iii) the Battle of Tupelo;

4 (iv) Van Dorns' Raid; and

5 (v) Grierson's Raids;

6 (D) the Contraband Camp in Corinth;

7 (E) the Mississippi University for Women;

8 the first public college for women in the United
9 States;

10 (F) Rust College, founded before 1867,

11 which stands as 1 of the 5 remaining histori-
12 cally black colleges in the United States;

13 (G) birthplaces of literary and musical
14 icons, including—

15 (i) Elvis Aaron Presley, popularly
16 known as the "King of Rock and Roll",
17 born in Tupelo;

18 (ii) Nobel-Laureate William Faulkner,
19 born in New Albany;

20 (iii) Tammy Wynette, popularly
21 known as the "The First Lady of Country
22 Music", born in Tremont;

23 (iv) Tennessee Williams, 1 of the lead-
24 ing playwrights of the United States, born
25 in Columbus;

1 (v) Chester A. Burnett, otherwise
 2 known as the legendary bluesman “Howlin’
 3 Wolf”, born in White Station;

4 (vi) opera diva Ruby Elzy, born in
 5 Pontotoc; and

6 (vii) Mississippi Hills blues musicians
 7 David “Junior” Kimbrough and R.L.
 8 Burnside, born in Marshall and Lafayette
 9 counties, respectively;

10 (H) birthplaces of Civil Rights pioneers,
 11 including—

12 (i) Ida B. Wells-Barnett, a formidable
 13 figure in the anti-lynching movement, born
 14 in Holly Springs; and

15 (ii) James Meredith, who became the
 16 first African-American to enroll at the
 17 University of Mississippi, born in Kos-
 18 eusko; and

19 (I) birthplaces or residences of other cul-
 20 tural icons and historical figures, including—

21 (i) barnstorming legend Roscoe Turn-
 22 er, born in Corinth;

23 (ii) railroad engineer Casey Jones,
 24 who lived in Water Valley;

1 (iii) Civil War cavalryman Nathan
2 Bedford Forrest, who lived in Salem;

3 (iv) Hiram Revels, the first African-
4 American to serve in the Senate, who lived
5 in Holly Springs;

6 (v) L.Q.C. Lamar, a Senator, Sec-
7 retary of the Interior, and Associate Jus-
8 tice of the Supreme Court of the United
9 States, who lived in Oxford;

10 (vi) author Eudora Welty, who at-
11 tended the Mississippi University for
12 Women in Columbus; and

13 (vii) Confederate General Stephen D.
14 Lee, who lived in Columbus;

15 (3) the area includes spectacular natural, sce-
16 nerie, and recreational resources, including—

17 (A) the Strawberry Plains State Audubon
18 Center;

19 (B) the Wolf River;

20 (C) the Tennessee-Tombigbee Waterway;

21 (D) the Holly Springs National Forest;

22 (E) the Tombigbee National Forest;

23 (F) the Noxubee National Wildlife Refuge;

24 (G) the Tishomingo State Park; and

25 (H) the Sardis, Enid, and Grenada Lakes;

1 (4) there is broad support from local govern-
 2 ments and other interested individuals for the estab-
 3 lishment of the Mississippi Hills National Heritage
 4 Area to coordinate and assist in the preservation
 5 and interpretation of those resources;

6 (5) the Mississippi Hills Heritage Area Concept
 7 Plan, coordinated by the Mississippi Hills Heritage
 8 Area Alliance is—

9 (A) a collaborative effort between the Fed-
 10 eral Government and State and local govern-
 11 ments in the area; and

12 (B) a natural foundation on which to es-
 13 tablish the Mississippi Hills Heritage Area; and

14 (6) the establishment of the Mississippi Hills
 15 Heritage Area would assist local communities and
 16 residents in preserving the unique cultural, histor-
 17 ical, archaeological, natural, and recreational re-
 18 sources of the area.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) ALLIANCE.—The term “Alliance” means
 22 the Mississippi Hills Heritage Area Alliance, a non-
 23 profit organization registered by the State, with the
 24 cooperation and support of the University of Mis-
 25 sissippi.

1 (2) HERITAGE AREA.—The term “Heritage
2 Area” means the Mississippi Hills National Heritage
3 Area established by section 4(a).

4 (3) MANAGEMENT PLAN.—The term “manage-
5 ment plan” means the management plan for the
6 Heritage Area developed under section 7.

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

9 (5) STATE.—The term “State” means the State
10 of Mississippi.

11 **SEC. 4. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

12 (a) ESTABLISHMENT.—There is established in the
13 State the Mississippi Hills National Heritage Area.

14 (b) BOUNDARIES.—

15 (1) AFFECTED COUNTIES.—The Heritage Area
16 shall consist of all, or portions of, as specified by the
17 boundary description in paragraph (2), Alcorn,
18 Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw,
19 Clay, DeSoto, Grenada, Holmes, Itawamba, La-
20 fayette, Lee, Lowndes, Marshall, Monroe, Mont-
21 gomery, Noxubee, Oktibbeha, Panola, Pontotoc,
22 Prentiss, Tate, Tippah, Tishomingo, Union, Web-
23 ster, Winston, and Yalobusha Counties in the State.

24 (2) BOUNDARY DESCRIPTION.—The Heritage
25 Area shall have the following boundary description:

1 (A) traveling counterclockwise, the Herit-
2 age Area shall be bounded to the west by U.S.
3 Highway 51 from the Tennessee State line until
4 it intersects Interstate 55 (at Geeslin Corner
5 approximately 1/2 mile due north of Highway
6 Interchange 208);

7 (B) from this point, Interstate 55 shall be
8 the western boundary until it intersects with
9 Mississippi Highway 12 at Highway Inter-
10 change 156, the intersection of which shall be
11 the southwest terminus of the Heritage Area;

12 (C) from the southwest terminus, the
13 boundary shall—

14 (i) extend east along Mississippi
15 Highway 12 until it intersects U.S. High-
16 way 51;

17 (ii) follow Highway 51 south until it
18 is intersected again by Highway 12;

19 (iii) extend along Highway 12 into
20 downtown Kosciusko where it intersects
21 Mississippi Highway 35;

22 (iv) follow Highway 35 south until it
23 is intersected by Mississippi Highway 14;
24 and

1 (v) extend along Highway 14 until it
2 reaches the Alabama State line, the inter-
3 section of which shall be the southeast ter-
4 minus of the Heritage Area;

5 (D) from the southeast terminus, the
6 boundary of the Heritage Area shall follow the
7 Mississippi-Alabama State line until it reaches
8 the Mississippi-Tennessee State line, the inter-
9 section of which shall be the northeast terminus
10 of the Heritage Area; and

11 (E) the boundary shall extend due west
12 until it reaches U.S. Highway 51, the intersec-
13 tion of which shall be the northwest terminus of
14 the Heritage Area.

15 **SEC. 5. DESIGNATION OF ALLIANCE AS MANAGEMENT EN-**
16 **TITY.**

17 (a) **IN GENERAL.**—The Alliance shall be the coordi-
18 nating entity for the Heritage Area.

19 (b) **FEDERAL FUNDING.**—

20 (1) **AUTHORIZATION TO RECEIVE FUNDS.**—The
21 Alliance may receive amounts made available to
22 carry out this Act.

23 (2) **DISQUALIFICATION.**—If a management plan
24 is not submitted to the Secretary as required under
25 subsection (a) of section 7 within the time period

1 specified in that subsection, the Alliance may not re-
2 ceive Federal funding under this Act until a man-
3 agement plan is submitted to the Secretary.

4 (c) USE OF FEDERAL FUNDS.—The Alliance may,
5 for the purposes of developing and implementing the man-
6 agement plan, use Federal funds made available under
7 this Act—

8 (1) to make grants and loans to the State, po-
9 litical subdivisions of the State, nonprofit organiza-
10 tions, and other persons;

11 (2) to enter into cooperative agreements with,
12 or provide technical assistance to, the State, political
13 subdivisions of the State, nonprofit organizations,
14 and other organizations;

15 (3) to hire and compensate staff;

16 (4) to obtain funds from any source, under any
17 program or law, requiring the recipient of funds to
18 make a contribution in order to receive the funds;
19 and

20 (5) to contract for goods and services.

21 (d) PROHIBITION OF ACQUISITION OF REAL PROP-
22 erty.—The Alliance may not use Federal funds received
23 under this Act to acquire real property or any interest in
24 real property.

1 **SEC. 6. AUTHORITIES AND DUTIES OF ALLIANCE.**

2 (a) **AUTHORITIES.**—To develop and implement the
3 management plan and otherwise carry out this Act, the
4 Alliance may make grants to and provide technical assist-
5 ance to tribal and local governments and other public and
6 private entities.

7 (b) **DUTIES.**—In carrying out this Act, the Alliance
8 shall—

9 (1) implement the management plan;

10 (2) assist local and tribal governments and non-
11 profit organizations to—

12 (A) establish and maintain interpretive ex-
13 hibits in the Heritage Area;

14 (B) develop recreational resources in the
15 Heritage Area;

16 (C) increase public awareness of, and ap-
17 preciation for, the cultural, historical, archae-
18 ological, natural, and recreational resources of
19 the Heritage Area;

20 (D) restore historic resources that relate to
21 the Heritage Area; and

22 (E) carry out any other activity that the
23 Alliance determines to be appropriate to carry
24 out this Act, consistent with the management
25 plan;

1 ~~(3)~~ on at least an annual basis, conduct public
 2 meetings relating to the implementation of the man-
 3 agement plan;

4 ~~(4)~~ for any fiscal year for which Federal funds
 5 are made available under section 10—

6 ~~(A)~~ submit to the Secretary a report that
 7 describes, for the fiscal year, actions of the Alli-
 8 ance in carrying out this Act;

9 ~~(B)~~ make available to the Secretary for
 10 audit all records relating to the expenditure of
 11 funds and any matching funds; and

12 ~~(C)~~ require, for each agreement author-
 13 izing the expenditure of Federal funds by any
 14 entity, that the receiving entity make available
 15 to the Secretary for audit all records relating to
 16 the expenditure of the funds; and

17 ~~(5)~~ ensure that each county included in the
 18 Heritage Area is appropriately represented on any
 19 oversight advisory committee established pursuant to
 20 this Act to coordinate the Heritage Area.

21 **SEC. 7. MANAGEMENT OF HERITAGE AREA.**

22 ~~(a) IN GENERAL.~~—Not later than ~~3~~ years after the
 23 date of enactment of this Act, the Alliance shall develop
 24 and submit to the Secretary a management plan for the
 25 Heritage Area.

1 (b) CONTENTS.—The management plan shall—

2 (1) provide recommendations for the preserva-
3 tion, conservation, enhancement, funding, manage-
4 ment, interpretation, development, and promotion of
5 the cultural, historical, archaeological, natural, and
6 recreational resources of the Heritage Area;

7 (2) identify sources of funding for the Heritage
8 Area;

9 (3) include—

10 (A) an inventory of the cultural, historical,
11 archaeological, natural, and recreational re-
12 sources of the Heritage Area; and

13 (B) an analysis of how Federal, State,
14 tribal, and local programs may best be coordi-
15 nated to promote and carry out this Act;

16 (4) provide recommendations for educational
17 and interpretive programs to inform the public about
18 the resources of the Heritage Area; and

19 (5) involve residents of affected communities
20 and tribal and local governments.

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

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of receipt of the management plan, the Sec-

1 retary shall approve or disapprove the management
2 plan.

3 ~~(2) DISAPPROVAL AND REVISIONS.~~—If the Sec-
4 retary disapproves the management plan, the Sec-
5 retary shall—

6 (A) advise the Alliance in writing of the
7 reasons for disapproval;

8 (B) make recommendations for revision of
9 the management plan; and

10 (C) allow the Alliance to submit to the
11 Secretary revisions to the management plan.

12 ~~(d) REVISION.~~—After approval by the Secretary of
13 the management plan, the Alliance shall periodically—

14 (1) review the management plan; and

15 (2) submit to the Secretary, for review and ap-
16 proval by the Secretary, any recommendations for
17 revisions to the management plan.

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

19 (a) ~~IN GENERAL.~~—Subject to the availability of ap-
20 propriations, the Secretary may provide technical assist-
21 ance and grants to the Alliance to pay the Federal share
22 of the cost of developing and implementing the manage-
23 ment plan.

24 (b) ~~PROHIBITION OF CERTAIN REQUIREMENTS.~~—

25 The Secretary may not, as a condition of the award of

1 technical assistance or grants under this section, require
 2 any recipient of the technical assistance or a grant to
 3 enact or modify any land use restriction.

4 **SEC. 9. EFFECT OF ACT.**

5 (a) **NO EFFECT ON LAND USE AUTHORITY.**—Nothing
 6 ing in this Act modifies, enlarges, or diminishes the au-
 7 thority of any State, tribal, or local government to regulate
 8 any use of land under any other law (including regula-
 9 tions).

10 (b) **LOCAL AUTHORITY AND PRIVATE PROPERTY**
 11 **NOT AFFECTED.**—Nothing in this Act affects or author-
 12 izes the Alliance to interfere with—

13 (1) the right of any person with respect to pri-
 14 vate property; or

15 (2) any local zoning ordinance or land use plan
 16 of the State or a political subdivision of the State.

17 (c) **NO EFFECT ON INDIAN TRIBES.**—Nothing in this
 18 Act—

19 (1) restricts an Indian tribe from protecting
 20 cultural or religious sites on tribal land; or

21 (2) diminishes the trust responsibilities or gov-
 22 ernment-to-government obligations of the United
 23 States to any Indian tribe recognized by the Federal
 24 Government.

1 (d) MANAGEMENT OF FISH AND WILDLIFE.—Noth-
2 ing in this Act—

3 (1) modifies, enlarges, or diminishes the author-
4 ity of the State to manage fish and wildlife in the
5 Heritage Area, including the regulation of fishing
6 and hunting; and

7 (2) authorizes the Alliance to assume any man-
8 agement authorities over such lands.

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Mississippi Hills Na-
19 tional Heritage Area Act of 2008”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

22 (1) *HERITAGE AREA.—The term “Heritage
23 Area” means the Mississippi Hills National Heritage
24 Area established by section 3(a).*

1 (2) *LOCAL COORDINATING ENTITY.*—*The term*
 2 *“local coordinating entity” means the local coordi-*
 3 *nating entity for Heritage Area designated by section*
 4 *3(c).*

5 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 6 *ment plan” means the management plan for the Her-*
 7 *itage Area required under section 4(a)(1).*

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

10 (5) *STATE.*—*The term “State” means the State*
 11 *of Mississippi.*

12 **SEC. 3. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.**

13 (a) *ESTABLISHMENT.*—*There is established the Mis-*
 14 *issippi Hills National Heritage Area in the State.*

15 (b) *BOUNDARIES.*—

16 (1) *AFFECTED COUNTIES.*—*The Heritage Area*
 17 *shall consist of all, or portions of, as specified by the*
 18 *boundary description in paragraph (2), Alcorn,*
 19 *Attala, Benton, Calhoun, Carroll, Chickasaw, Choc-*
 20 *taw, Clay, DeSoto, Grenada, Holmes, Itawamba, La-*
 21 *fayette, Lee, Lowndes, Marshall, Monroe, Mont-*
 22 *gomery, Noxubee, Oktibbeha, Panola, Pontotoc,*
 23 *Prentiss, Tate, Tippah, Tishomingo, Union, Webster,*
 24 *Winston, and Yalobusha Counties in the State.*

1 (2) *BOUNDARY DESCRIPTION.—The Heritage*
2 *Area shall have the following boundary description:*

3 (A) *traveling counterclockwise, the Heritage*
4 *Area shall be bounded to the west by U.S. High-*
5 *way 51 from the Tennessee State line until it*
6 *intersects Interstate 55 (at Geeslin Corner ap-*
7 *proximately ½ mile due north of Highway*
8 *Interchange 208);*

9 (B) *from this point, Interstate 55 shall be*
10 *the western boundary until it intersects with*
11 *Mississippi Highway 12 at Highway Inter-*
12 *change 156, the intersection of which shall be the*
13 *southwest terminus of the Heritage Area;*

14 (C) *from the southwest terminus, the bound-*
15 *ary shall—*

16 (i) *extend east along Mississippi High-*
17 *way 12 until it intersects U.S. Highway 51;*

18 (ii) *follow Highway 51 south until it*
19 *is intersected again by Highway 12;*

20 (iii) *extend along Highway 12 into*
21 *downtown Kosciusko where it intersects*
22 *Mississippi Highway 35;*

23 (iv) *follow Highway 35 south until it*
24 *is intersected by Mississippi Highway 14;*
25 *and*

1 (v) extend along Highway 14 until it
2 reaches the Alabama State line, the intersec-
3 tion of which shall be the southeast ter-
4 minus of the Heritage Area;

5 (D) from the southeast terminus, the bound-
6 ary of the Heritage Area shall follow the Mis-
7 sissippi-Alabama State line until it reaches the
8 Mississippi-Tennessee State line, the intersection
9 of which shall be the northeast terminus of the
10 Heritage Area; and

11 (E) the boundary shall extend due west
12 until it reaches U.S. Highway 51, the intersec-
13 tion of which shall be the northwest terminus of
14 the Heritage Area.

15 (c) LOCAL COORDINATING ENTITY.—

16 (1) IN GENERAL.—The local coordinating entity
17 for the Heritage Area shall be the Mississippi Hills
18 Heritage Area Alliance, a nonprofit organization reg-
19 istered by the State, with the cooperation and support
20 of the University of Mississippi.

21 (2) BOARD OF DIRECTORS.—

22 (A) IN GENERAL.—The local coordinating
23 entity shall be governed by a Board of Directors
24 comprised of not more than 30 members.

1 (B) *COMPOSITION.—Members of the Board*
 2 *of Directors shall consist of—*

3 (i) *not more than 1 representative from*
 4 *each of the counties described in subsection*
 5 *(b)(1); and*

6 (ii) *any ex-officio members that may*
 7 *be appointed by the Board of Directors, as*
 8 *the Board of Directors determines to be nec-*
 9 *essary.*

10 **SEC. 4. DUTIES AND AUTHORITIES OF LOCAL COORDI-**
 11 **NATING ENTITY.**

12 (a) *DUTIES OF THE LOCAL COORDINATING ENTITY.—*
 13 *To further the purposes of the Heritage Area, the local co-*
 14 *ordinating entity shall—*

15 (1) *prepare, and submit to the Secretary, in ac-*
 16 *cordance with section 5, a management plan for the*
 17 *Heritage Area;*

18 (2) *assist units of local government, regional*
 19 *planning organizations, and nonprofit organizations*
 20 *in implementing the approved management plan*
 21 *by—*

22 (A) *establishing and maintaining interpre-*
 23 *tive exhibits and programs within the Heritage*
 24 *Area;*

1 (B) developing recreational opportunities in
2 the Heritage Area;

3 (C) increasing public awareness of, and ap-
4 preciation for, natural, historical, cultural, ar-
5 chaeological, and recreational resources of the
6 Heritage Area;

7 (D) restoring historic sites and buildings in
8 the Heritage Area that are consistent with the
9 themes of the Heritage Area; and

10 (E) carrying out any other activity that the
11 local coordinating entity determines to be con-
12 sistent with this Act;

13 (3) conduct meetings open to the public at least
14 annually regarding the development and implementa-
15 tion of the management plan;

16 (4) submit an annual report to the Secretary for
17 each fiscal year for which the local coordinating enti-
18 ty receives Federal funds under this Act specifying—

19 (A) the accomplishments of the local coordi-
20 nating entity;

21 (B) the expenses and income of the local co-
22 ordinating entity;

23 (C) the amounts and sources of matching
24 funds;

1 (D) the amounts leveraged with Federal
2 funds and sources of the leveraged funds; and

3 (E) grants made to any other entities dur-
4 ing the fiscal year;

5 (5) make available for audit for each fiscal year
6 for which the local coordinating entity receives Fed-
7 eral funds under this Act, all information pertaining
8 to the expenditure of the funds and any matching
9 funds;

10 (6) require in all agreements authorizing expend-
11 itures of Federal funds by other organizations, that
12 the receiving organizations make available for audit
13 all records and other information pertaining to the
14 expenditure of the funds; and

15 (7) ensure that each county included in the Her-
16 itage Area is appropriately represented on any over-
17 sight advisory committee established under this Act to
18 coordinate the Heritage Area.

19 (b) *AUTHORITIES.*—The local coordinating entity
20 may, subject to the prior approval of the Secretary, for the
21 purposes of preparing and implementing the management
22 plan, use Federal funds made available under this Act to—

23 (1) make grants and loans to the State, political
24 subdivisions of the State, nonprofit organizations,
25 and other persons;

1 (2) *enter into cooperative agreements with, or*
 2 *provide technical assistance to, the State, political*
 3 *subdivisions of the State, nonprofit organizations,*
 4 *and other organizations;*

5 (3) *hire and compensate staff;*

6 (4) *obtain funds or services from any source, in-*
 7 *cluding funds and services provided under any other*
 8 *Federal law or program; and*

9 (5) *contract for goods or services.*

10 (c) *PROHIBITION ON ACQUISITION OF REAL PROP-*
 11 *ERTY.—The local coordinating entity may not use Federal*
 12 *funds received under this Act to acquire any interest in real*
 13 *property.*

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

15 (a) *IN GENERAL.—Not later than 3 years after the*
 16 *date on which funds are made available to develop the man-*
 17 *agement plan, the local coordinating entity shall submit to*
 18 *the Secretary for approval a proposed management plan*
 19 *for the Heritage Area.*

20 (b) *REQUIREMENTS.—The management plan for the*
 21 *Heritage Area shall—*

22 (1) *provide recommendations for the preserva-*
 23 *tion, conservation, enhancement, funding, manage-*
 24 *ment, interpretation, development, and promotion of*

1 *the cultural, historical, archaeological, natural, and*
2 *recreational resources of the Heritage Area;*

3 (2) *specify existing and potential sources of*
4 *funding or economic development strategies to protect,*
5 *enhance, interpret, fund, manage, and develop the*
6 *Heritage Area;*

7 (3) *include—*

8 (A) *an inventory of the natural, historical,*
9 *cultural, archaeological, and recreational re-*
10 *sources of the Heritage Area; and*

11 (B) *an analysis of how Federal, State, trib-*
12 *al, and local programs may best be coordinated*
13 *to promote and carry out this Act;*

14 (4) *provide recommendations for educational*
15 *and interpretive programs to provide information to*
16 *the public on the resources of the Heritage Area; and*

17 (5) *involve residents of affected communities and*
18 *tribal and local governments.*

19 (c) *TERMINATION OF FUNDING.—If the management*
20 *plan is not submitted to the Secretary in accordance with*
21 *this subsection, the local coordinating entity shall not qual-*
22 *ify for additional financial assistance under this Act until*
23 *the management plan is submitted to, and approved by, the*
24 *Secretary.*

25 (d) *APPROVAL OF MANAGEMENT PLAN.—*

1 (1) *REVIEW.*—Not later than 180 days after the
2 date on which the Secretary receives the management
3 plan, the Secretary shall approve or disapprove the
4 management plan.

5 (2) *CONSULTATION REQUIRED.*—The Secretary
6 shall consult with the Governor of the State and any
7 tribal government in which the Heritage Area is lo-
8 cated before approving the management plan.

9 (3) *CRITERIA FOR APPROVAL.*—In determining
10 whether to approve the management plan, the Sec-
11 retary shall consider whether—

12 (A) the local coordinating entity represents
13 the diverse interests of the Heritage Area, includ-
14 ing governments, natural and historical resource
15 protection organizations, educational institu-
16 tions, businesses, community residents, and rec-
17 reational organizations;

18 (B) the local coordinating entity has af-
19 forded adequate opportunity for public and gov-
20 ernmental involvement (including through work-
21 shops and public meetings) in the preparation of
22 the management plan;

23 (C) the resource protection and interpreta-
24 tion strategies described in the management
25 plan, if implemented, would adequately protect

1 *the natural, historical, cultural, archaeological,*
2 *and recreational resources of the Heritage Area;*

3 *(D) the management plan would not ad-*
4 *versely affect any activities authorized on Fed-*
5 *eral or tribal land under applicable laws or land*
6 *use plans;*

7 *(E) the Secretary has received adequate as-*
8 *surances from the appropriate State, tribal, and*
9 *local officials whose support is needed to ensure*
10 *the effective implementation of the State, tribal,*
11 *and local aspects of the management plan; and*

12 *(F) the local coordinating entity has dem-*
13 *onstrated the financial capability, in partner-*
14 *ship with others, to carry out the management*
15 *plan.*

16 (4) *ACTION FOLLOWING DISAPPROVAL.—*

17 (A) *IN GENERAL.—If the Secretary dis-*
18 *approves the management plan, the Secretary—*

19 (i) *shall advise the local coordinating*
20 *entity in writing of the reasons for the dis-*
21 *approval; and*

22 (ii) *may make recommendations to the*
23 *local coordinating entity for revisions to the*
24 *management plan.*

1 (B) *DEADLINE.*—Not later than 180 days
2 after receiving a revised management plan, the
3 Secretary shall approve or disapprove the revised
4 management plan.

5 (5) *REVIEW; AMENDMENTS.*—

6 (A) *IN GENERAL.*—After approval by the
7 Secretary of the management plan, the Alliance
8 shall periodically—

9 (i) review the management plan; and

10 (ii) submit to the Secretary, for review
11 and approval by the Secretary, any rec-
12 ommendations for revisions to the manage-
13 ment plan.

14 (B) *IN GENERAL.*—An amendment to the
15 management plan that substantially alters the
16 purposes of the Heritage Area shall be reviewed
17 by the Secretary and approved or disapproved in
18 the same manner as the original management
19 plan.

20 (C) *IMPLEMENTATION.*—The local coordi-
21 nating entity shall not use Federal funds author-
22 ized to be appropriated by this Act to implement
23 an amendment to the management plan until the
24 Secretary approves the amendment.

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

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

3 (1) *IN GENERAL.*—*On the request of the local co-*
4 *ordinating entity, the Secretary may provide tech-*
5 *nical and financial assistance, on a reimbursable or*
6 *nonreimbursable basis (as determined by the Sec-*
7 *retary), to the local coordinating entity to develop*
8 *and implement the management plan.*

9 (2) *COOPERATIVE AGREEMENTS.*—*The Secretary*
10 *may enter into cooperative agreements with the local*
11 *coordinating entity and other public or private enti-*
12 *ties to provide technical or financial assistance under*
13 *paragraph (1).*

14 (3) *PRIORITY.*—*In assisting the Heritage Area,*
15 *the Secretary shall give priority to actions that assist*
16 *in—*

17 (A) *conserving the significant natural, his-*
18 *torical, cultural, archaeological, and recreational*
19 *resources of the Heritage Area; and*

20 (B) *providing educational, interpretive, and*
21 *recreational opportunities consistent with the*
22 *purposes of the Heritage Area.*

23 (b) *EVALUATION; REPORT.*—

24 (1) *IN GENERAL.*—*Not later than 3 years before*
25 *the date on which authority for Federal funding ter-*

1 *minates for the Heritage Area under section 10, the*
2 *Secretary shall—*

3 *(A) conduct an evaluation of the accom-*
4 *plishments of the Heritage Area; and*

5 *(B) prepare a report with recommendations*
6 *for the future role of the National Park Service,*
7 *if any, with respect to the Heritage Area, in ac-*
8 *cordance with paragraph (3).*

9 *(2) EVALUATION.—An evaluation conducted*
10 *under paragraph (1)(A) shall—*

11 *(A) assess the progress of the local coordi-*
12 *nating entity with respect to—*

13 *(i) accomplishing the purposes of this*
14 *Act for the Heritage Area; and*

15 *(ii) achieving the goals and objectives*
16 *of the approved management plan for the*
17 *Heritage Area;*

18 *(B) analyze the Federal, State, local, and*
19 *private investments in the Heritage Area to de-*
20 *termine the leverage and impact of the invest-*
21 *ments; and*

22 *(C) review the management structure, part-*
23 *nership relationships, and funding of the Herit-*
24 *age Area for purposes of identifying the critical*

1 *components for sustainability of the Heritage*
2 *Area.*

3 (3) *REPORT.—*

4 (A) *IN GENERAL.—Based on the evaluation*
5 *conducted under paragraph (1)(A), the Secretary*
6 *shall prepare a report that includes rec-*
7 *ommendations for the future role of the National*
8 *Park Service, if any, with respect to the Heritage*
9 *Area.*

10 (B) *REQUIRED ANALYSIS.—If the report*
11 *prepared under this paragraph recommends that*
12 *Federal funding for the Heritage Area be reau-*
13 *thorized, the report shall include an analysis*
14 *of—*

15 (i) *ways in which Federal funding for*
16 *the Heritage Area may be reduced or elimi-*
17 *nated; and*

18 (ii) *the appropriate time period nec-*
19 *essary to achieve the recommended reduc-*
20 *tion or elimination.*

21 (C) *SUBMISSION TO CONGRESS.—On com-*
22 *pletion of a report under this paragraph, the*
23 *Secretary shall submit the report to—*

24 (i) *the Committee on Energy and Nat-*
25 *ural Resources of the Senate; and*

1 (ii) the Committee on Natural Re-
2 sources of the House of Representatives.

3 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

4 (a) *IN GENERAL.*—Nothing in this Act affects the au-
5 thority of a Federal agency to provide technical or financial
6 assistance under any other law.

7 (b) *CONSULTATION AND COORDINATION.*—To the max-
8 imum extent practicable, the head of any Federal agency
9 planning to conduct activities that may have an impact
10 on the Heritage Area is encouraged to consult and coordi-
11 nate the activities with the Secretary and the local coordi-
12 nating entity.

13 (c) *OTHER FEDERAL AGENCIES.*—Nothing in this
14 Act—

15 (1) modifies, alters, or amends any laws (includ-
16 ing regulations) authorizing a Federal agency to
17 manage Federal land under the jurisdiction of the
18 Federal agency;

19 (2) limits the discretion of a Federal land man-
20 ager to implement an approved land use plan within
21 the boundaries of the Heritage Area; or

22 (3) modifies, alters, or amends any authorized
23 use of Federal land under the jurisdiction of a Fed-
24 eral agency.

1 **SEC. 8. EFFECT.**

2 (a) *PROPERTY OWNERS AND REGULATORY PROTEC-*
3 *TIONS.—Nothing in this Act—*

4 (1) *abridges the rights of any owner of public or*
5 *private property, including the right to refrain from*
6 *participating in any plan, project, program, or activ-*
7 *ity conducted within the Heritage Area;*

8 (2) *requires any property owner to—*

9 (A) *permit public access (including Federal,*
10 *tribal, State, or local government access) to the*
11 *property; or*

12 (B) *modify any provisions of Federal, trib-*
13 *al, State, or local law with regard to public ac-*
14 *cess or use of private land;*

15 (3) *alters any duly adopted land use regulations,*
16 *approved land use plan, or any other regulatory au-*
17 *thority of any Federal, State, or local agency, or trib-*
18 *al government;*

19 (4) *conveys any land use or other regulatory au-*
20 *thority to the local coordinating entity;*

21 (5) *authorizes or implies the reservation or ap-*
22 *propriation of water or water rights;*

23 (6) *diminishes the authority of the State to man-*
24 *age fish and wildlife, including the regulation of fish-*
25 *ing and hunting within the Heritage Area; or*

1 (7) *creates any liability, or affects any liability*
 2 *under any other law, of any private property owner*
 3 *with respect to any person injured on the private*
 4 *property.*

5 (b) *NO EFFECT ON INDIAN TRIBES.—Nothing in this*
 6 *Act—*

7 (1) *restricts an Indian tribe from protecting cul-*
 8 *tural or religious sites on tribal land; or*

9 (2) *diminishes the trust responsibilities or gov-*
 10 *ernment-to-government obligations of the United*
 11 *States to any Indian tribe recognized by the Federal*
 12 *Government.*

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

17 (b) *AVAILABILITY.—Amounts made available under*
 18 *subsection (a) shall remain available until expended.*

19 (c) *COST-SHARING REQUIREMENT.—*

20 (1) *IN GENERAL.—The Federal share of the total*
 21 *cost of any activity under this Act shall be not more*
 22 *than 50 percent.*

23 (2) *FORM.—The non-Federal contribution—*

24 (A) *shall be from non-Federal sources; and*

1 *(B) may be in the form of in-kind contribu-*
2 *tions of goods or services fairly valued.*

3 **SEC. 10. TERMINATION OF FINANCIAL ASSISTANCE.**

4 *The authority of the Secretary to provide financial as-*
5 *sistance under this Act terminates on the date that is 15*
6 *years after the date of enactment of this Act.*

Calendar No. 796

110TH CONGRESS
2^D SESSION

S. 2254

[Report No. 110-364]

A BILL

To establish the Mississippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

JUNE 16, 2008

Reported with an amendment