

CELEBRATING AMERICA'S HERITAGE ACT

OCTOBER 18, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 1483]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Celebrating America's Heritage Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES

Sec. 1001. Extensions of authorized appropriations.
Sec. 1002. Evaluation and report.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

Sec. 2001. Short title; table of contents.
Sec. 2002. Purposes.
Sec. 2003. Definitions.
Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.

Sec. 2005. Management plan.
 Sec. 2006. Evaluation; report.
 Sec. 2007. Local coordinating entity.
 Sec. 2008. Relationship to other Federal agencies.
 Sec. 2009. Private property and regulatory protections.
 Sec. 2010. Authorization of appropriations.
 Sec. 2011. Use of Federal funds from other sources.
 Sec. 2012. Sunset for grants and other assistance.

Subtitle B—Niagara Falls National Heritage Area

Sec. 2021. Short title; table of contents.
 Sec. 2022. Purposes.
 Sec. 2023. Definitions.
 Sec. 2024. Designation of the Niagara Falls National Heritage Area.
 Sec. 2025. Management plan.
 Sec. 2026. Evaluation; report.
 Sec. 2027. Local coordinating entity.
 Sec. 2028. Niagara Falls Heritage Area Commission.
 Sec. 2029. Relationship to other Federal agencies.
 Sec. 2030. Private property and regulatory protections.
 Sec. 2031. Authorization of appropriations.
 Sec. 2032. Use of Federal funds from other sources.
 Sec. 2033. Sunset for grants and other assistance.

Subtitle C—Muscle Shoals National Heritage Area

Sec. 2041. Short title; table of contents.
 Sec. 2042. Purposes.
 Sec. 2043. Definitions.
 Sec. 2044. Designation of Muscle Shoals National Heritage Area.
 Sec. 2045. Management plan.
 Sec. 2046. Evaluation; report.
 Sec. 2047. Local coordinating entity.
 Sec. 2048. Relationship to other Federal agencies.
 Sec. 2049. Private property and regulatory protections.
 Sec. 2050. Authorization of appropriations.
 Sec. 2051. Use of Federal funds from other sources.
 Sec. 2052. Sunset for grants and other assistance.

Subtitle D—Freedom's Way National Heritage Area

Sec. 2061. Short title; table of contents.
 Sec. 2062. Purposes.
 Sec. 2063. Definitions.
 Sec. 2064. Designation of Freedom's Way National Heritage Area.
 Sec. 2065. Management plan.
 Sec. 2066. Evaluation; report.
 Sec. 2067. Local coordinating entity.
 Sec. 2068. Relationship to other Federal agencies.
 Sec. 2069. Private property and regulatory protections.
 Sec. 2070. Authorization of appropriations.
 Sec. 2071. Use of Federal funds from other sources.
 Sec. 2072. Sunset for grants and other assistance.

Subtitle E—Abraham Lincoln National Heritage Area

Sec. 2081. Short title; table of contents.
 Sec. 2082. Purposes.
 Sec. 2083. Definitions.
 Sec. 2084. Designation of Abraham Lincoln National Heritage Area.
 Sec. 2085. Management plan.
 Sec. 2086. Evaluation; report.
 Sec. 2087. Local coordinating entity.
 Sec. 2088. Relationship to other Federal agencies.
 Sec. 2089. Private property and regulatory protections.
 Sec. 2090. Authorization of appropriations.
 Sec. 2091. Use of Federal funds from other sources.
 Sec. 2092. Sunset for grants and other assistance.

Subtitle F—Santa Cruz Valley National Heritage Area

Sec. 2111. Short title; table of contents.
 Sec. 2112. Purposes.
 Sec. 2113. Definitions.
 Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.
 Sec. 2115. Management plan.
 Sec. 2116. Evaluation; report.
 Sec. 2117. Local coordinating entity.
 Sec. 2118. Relationship to other Federal agencies.
 Sec. 2119. Private property and regulatory protections.
 Sec. 2120. Authorization of appropriations.
 Sec. 2121. Use of Federal funds from other sources.
 Sec. 2122. Sunset for grants and other assistance.

TITLE III—STUDY

Sec. 3001. Study and report of proposed Northern Neck National Heritage Area.

TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS

Sec. 4001. National Coal Heritage Area technical corrections.
 Sec. 4002. Rivers of steel national heritage area addition.
 Sec. 4003. South Carolina National Heritage Corridor addition.

Sec. 4004. Ohio and Erie Canal National Heritage Corridor technical corrections.
 Sec. 4005. New Jersey Coastal Heritage trail route extension of authorization.
 Sec. 4006. Erie Canalway National Heritage Corridor technical corrections.

TITLE V—SENSE OF CONGRESS REGARDING FUNDING

Sec. 5001. Sense of Congress Regarding Funding.

TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES

SEC. 1001. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by this Act), and 909(c), by striking “\$10,000,000” and inserting “\$15,000,000”.

SEC. 1002. EVALUATION AND REPORT.

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the “Journey Through Hallowed Ground National Heritage Area Act”.

(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 2001. Short title; table of contents.
 Sec. 2002. Purposes.
 Sec. 2003. Definitions.
 Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.
 Sec. 2005. Management plan.
 Sec. 2006. Evaluation; report.
 Sec. 2007. Local coordinating entity.
 Sec. 2008. Relationship to other Federal agencies.
 Sec. 2009. Private property and regulatory protections.
 Sec. 2010. Authorization of appropriations.
 Sec. 2011. Use of Federal funds from other sources.
 Sec. 2012. Sunset for grants and other assistance.

SEC. 2002. PURPOSES.

(a) The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled “The Journey Through Hallowed Ground National Heritage Area Feasibility Study” dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 2003. DEFINITIONS.

In this subtitle—

(1) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

SEC. 2004. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

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

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) **MAP.**—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled “Journey Through Hallowed Ground National Heritage Area”, numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2005. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage,

and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) **DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

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

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

(5) **AMENDMENTS.**—

(A) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) **AUTHORITIES.**—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 2006. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) **REPORT.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2007. LOCAL COORDINATING ENTITY.

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

- (A) the specific performance goals and accomplishments of the local coordinating entity;
- (B) the expenses and income of the local coordinating entity;
- (C) the amounts and sources of matching funds;
- (D) the amounts leveraged with Federal funds and sources of the leveraging; and
- (E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

- (A) natural, historical, cultural, educational, scenic, and recreational resource conservation;
- (B) economic and community development; and
- (C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2008. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2009. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2010. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2011. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 2012. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle B—Niagara Falls National Heritage Area

SEC. 2021. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Niagara Falls National Heritage Area Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this subtitle is as follows:

Sec. 2021. Short title; table of contents.
 Sec. 2022. Purposes.
 Sec. 2023. Definitions.
 Sec. 2024. Designation of the Niagara Falls National Heritage Area.
 Sec. 2025. Management plan.
 Sec. 2026. Evaluation; report.
 Sec. 2027. Local coordinating entity.
 Sec. 2028. Niagara Falls Heritage Area Commission.
 Sec. 2029. Relationship to other Federal agencies.
 Sec. 2030. Private property and regulatory protections.
 Sec. 2031. Authorization of appropriations.
 Sec. 2032. Use of Federal funds from other sources.
 Sec. 2033. Sunset for grants and other assistance.

SEC. 2022. PURPOSES.

(a) The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled “Niagara National Heritage Area Study” dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 2023. DEFINITIONS.

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term “National Heritage Area” means the Niagara Falls National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(3) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

(5) COMMISSION.—The term “Commission” means the Niagara Falls National Heritage Area Commission established under this subtitle.

(6) GOVERNOR.—The term “Governor” means the Governor of the State of New York.

SEC. 2024. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Niagara Falls National Heritage Area,” and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2025. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

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

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

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle

SEC. 2026. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2027. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in subparagraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

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

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

- (A) natural, historical, cultural, educational, scenic, and recreational resource conservation;
- (B) economic and community development; and
- (C) heritage planning;
- (4) obtain funds or services from any source, including other Federal programs;
- (5) contract for goods or services; and
- (6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.
- (d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2028. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) **IN GENERAL.**—The Commission shall meet at least quarterly at the call of—

- (A) the Chairperson; or
- (B) a majority of the members of the Commission.

(2) **NOTICE.**—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) **APPLICABLE LAW.**—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) **AUTHORITIES OF THE COMMISSION.**—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) **DUTIES OF THE COMMISSION.**—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) **COMPENSATION OF MEMBERS.**—

(1) **IN GENERAL.**—A member of the Commission shall serve without compensation.

(2) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) **GIFTS.**—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) **USE OF FEDERAL FUNDS.**—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

SEC. 2029. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2030. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity,

including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2031. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2032. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 2033. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle C—Muscle Shoals National Heritage Area

SEC. 2041. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the “Muscle Shoals National Heritage Area Act”.

(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 2041. Short title; table of contents.
 Sec. 2042. Purposes.
 Sec. 2043. Definitions.
 Sec. 2044. Designation of Muscle Shoals National Heritage Area.
 Sec. 2045. Management plan.
 Sec. 2046. Evaluation; report.
 Sec. 2047. Local coordinating entity.
 Sec. 2048. Relationship to other Federal agencies.
 Sec. 2049. Private property and regulatory protections.
 Sec. 2050. Authorization of appropriations.
 Sec. 2051. Use of Federal funds from other sources.
 Sec. 2052. Sunset for grants and other assistance.

SEC. 2042. PURPOSES.

The purposes of this subtitle include—

(1) to preserve, support conserve and interpret the legacy of the region represented by the National Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret how the distinctive geography of the region shaped the development of settlement, defense, transportation, commerce, and culture there;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

SEC. 2043. DEFINITIONS.

In this subtitle:

- (1) NATIONAL HERITAGE AREA.—The term “National Heritage Area” means the Muscle Shoals National Heritage Area established in this subtitle.
- (2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the Muscle Shoals Regional Center, which is hereby designated by Congress—
 - (A) to develop, in partnership with others, the management plan for the National Heritage Area; and
 - (B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.
- (3) MANAGEMENT PLAN.—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.
- (4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 2044. DESIGNATION OF MUSCLE SHOALS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Muscle Shoals National Heritage Area in the State of Alabama.

(b) BOUNDARIES.—

- (1) IN GENERAL.—The National Heritage Area shall be comprised of the counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan; including the Wilson Dam; the Handy Home; and the Helen Keller birthplace.
- (2) MAP.—The boundary of the National Heritage Area shall be as generally depicted on the map titled “_____”, numbered _____, and dated _____. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2045. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

- (1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;
- (2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;
- (3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;
- (4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;
- (5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;
- (6) describe a program for implementation for the management plan, including—
 - (A) performance goals;
 - (B) plans for resource protection, enhancement, interpretation, funding, management, and development; and
 - (C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;
- (7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and
- (8) include a business plan that—
 - (A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

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

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

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

- (A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and
- (B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 2046. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) **REPORT.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2047. LOCAL COORDINATING ENTITY.

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Muscle Shoals Regional Center, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

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

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2048. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2049. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2050. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2051. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 2052. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle D—Freedom’s Way National Heritage Area

SEC. 2061. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Freedom’s Way National Heritage Area Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this subtitle is as follows:

Sec. 2061. Short title; table of contents.

- Sec. 2062. Purposes.
- Sec. 2063. Definitions.
- Sec. 2064. Designation of Freedom's Way National Heritage Area.
- Sec. 2065. Management plan.
- Sec. 2066. Evaluation; report.
- Sec. 2067. Local coordinating entity.
- Sec. 2068. Relationship to other Federal agencies.
- Sec. 2069. Private property and regulatory protections.
- Sec. 2070. Authorization of appropriations.
- Sec. 2071. Use of Federal funds from other sources.
- Sec. 2072. Sunset for grants and other assistance.

SEC. 2062. PURPOSES.

(a) The purposes of this subtitle include—

- (1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled "Freedom's Way Heritage Area Feasibility Study" dated July 1997 and the addendum dated March 2003;
- (2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;
- (3) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the Commonwealth of Massachusetts and the State of New Hampshire in order to preserve the special historic identity of the National Heritage Area;
- (4) to manage, preserve, protect and interpret the cultural, historical, and natural resources of the National Heritage Area for the educational and inspirational benefit of future generations; and
- (5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

SEC. 2063. DEFINITIONS.

In this subtitle:

- (1) NATIONAL HERITAGE AREA.—The term "National Heritage Area" means the Freedom's Way National Heritage Area established in this subtitle.
- (2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Freedom's Way Heritage Association, Inc., which is hereby designated by Congress—
 - (A) to develop, in partnership with others, the management plan for the National Heritage Area; and
 - (B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.
- (3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.
- (4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2064. DESIGNATION OF FREEDOM'S WAY NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Freedom's Way National Heritage Area.

(b) BOUNDARIES.—

- (1) IN GENERAL.—The National Heritage Area shall include the following communities in the Commonwealth of Massachusetts: Winchendon, Ashburnham, Ashby, Gardner, Fitchburg, Westminster, Princeton, Sterling, Leominster, Townsend, Pepperell, Lunenburg, Shirley, Lancaster, Clinton, Bolton, Harvard, Ayer, Groton, Dunstable, Westford, Littleton, Boxborough, Stow, Hudson, Maynard, Sudbury, Concord, Carlisle, Acton, Bedford, Lincoln, Lexington, Woburn, Arlington, Medford, and Malden. Additionally it shall include the following communities in the State of New Hampshire: New Ipswich, Greenville, Mason, Brookline, Milford, Amherst, Hollis, and Nashua.
- (2) MAP.—The boundaries of the National Heritage area shall be as generally depicted on the map titled "Freedom's Way National Heritage Area", numbered T04/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2065. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

- (1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State or Commonwealth in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage,

and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) **DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

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

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

(5) **AMENDMENTS.**—

(A) **IN GENERAL.**—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) **IMPLEMENTATION.**—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) **AUTHORITIES.**—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 2066. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) **REPORT.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2067. LOCAL COORDINATING ENTITY.

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Freedom's Way Heritage Association, Inc., as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

- (A) the specific performance goals and accomplishments of the local coordinating entity;
- (B) the expenses and income of the local coordinating entity;
- (C) the amounts and sources of matching funds;
- (D) the amounts leveraged with Federal funds and sources of the leveraging; and
- (E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2068. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2069. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2070. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2071. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under Acts other than this subtitle for the purposes for which those funds were authorized.

SEC. 2072. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle E—Abraham Lincoln National Heritage Area

SEC. 2081. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the “Abraham Lincoln National Heritage Area Act”.

(b) TABLE OF CONTENTS.—The table of contents of this subtitle is as follows:

Sec. 2081. Short title; table of contents.
 Sec. 2082. Purposes.
 Sec. 2083. Definitions.
 Sec. 2084. Designation of Abraham Lincoln National Heritage Area.
 Sec. 2085. Management plan.
 Sec. 2086. Evaluation; report.
 Sec. 2087. Local coordinating entity.
 Sec. 2088. Relationship to other Federal agencies.
 Sec. 2089. Private property and regulatory protections.
 Sec. 2090. Authorization of appropriations.
 Sec. 2091. Use of Federal funds from other sources.
 Sec. 2092. Sunset for grants and other assistance.

SEC. 2082. PURPOSES.

(a) The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled “Feasibility Study of the Proposed Abraham Lincoln National Heritage Area” prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln’s life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 2083. DEFINITIONS.

In this subtitle:

(1) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means the Abraham Lincoln National Heritage Area established in this subtitle.

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

SEC. 2084. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Abraham Lincoln National Heritage Area.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazwell, Vermillion, Warren and Woodford counties.

(2) **MAP.**—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Proposed Abraham Lincoln National Heritage Area”, and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2085. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

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

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

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 2086. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2087. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

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

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2088. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2089. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2090. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2091. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 2092. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

Subtitle F—Santa Cruz Valley National Heritage Area

SEC. 2111. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “Santa Cruz Valley National Heritage Area Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this subtitle is as follows:

Sec. 2111. Short title; table of contents.
 Sec. 2112. Purposes.
 Sec. 2113. Definitions.
 Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.
 Sec. 2115. Management plan.
 Sec. 2116. Evaluation; report.
 Sec. 2117. Local coordinating entity.
 Sec. 2118. Relationship to other Federal agencies.
 Sec. 2119. Private property and regulatory protections.
 Sec. 2120. Authorization of appropriations.
 Sec. 2121. Use of Federal funds from other sources.
 Sec. 2122. Sunset for grants and other assistance.

SEC. 2112. PURPOSES.

The purposes of this subtitle include—

- (1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;
- (2) to implement the recommendations of the “Alternative Concepts for Commemorating Spanish Colonization” study completed by the National Park Service in 1991, and the “Feasibility Study for the Santa Cruz Valley National Heritage Area” prepared by the Center for Desert Archaeology in July 2005;
- (3) to provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region and to conserve the region’s heritage while continuing to pursue compatible economic opportunities;
- (4) to assist communities, organizations, and citizens in the State of Arizona in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and
- (5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.

SEC. 2113. DEFINITIONS.

In this subtitle:

- (1) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means the Santa Cruz Valley National Heritage Area established in this subtitle.
- (2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Santa Cruz Valley Heritage Alliance, Inc., which is hereby designated by Congress—
 - (A) to develop, in partnership with others, the management plan for the National Heritage Area; and
 - (B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.
- (3) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.
- (4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

SEC. 2114. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Santa Cruz Valley National Heritage Area.

(b) **BOUNDARIES.**—

- (1) **IN GENERAL.**—The National Heritage Area shall consist of portions of the counties of Santa Cruz and Pima.
- (2) **MAP.**—The boundaries of the National Heritage Area shall be as generally depicted on the map titled “Santa Cruz Valley National Heritage Area”, and numbered _____, and dated _____. The map be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 2115. MANAGEMENT PLAN.

(a) **REQUIREMENTS.**—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

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

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) **DEADLINE.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **TERMINATION OF FUNDING.**—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) **APPROVAL OF MANAGEMENT PLAN.**—

(1) **REVIEW.**—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) **CONSULTATION.**—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) **CRITERIA FOR APPROVAL.**—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

- (i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and
 - (ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;
 - (C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;
 - (D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;
 - (E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;
 - (F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and
 - (G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.
- (4) DISAPPROVAL.—
- (A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—
 - (i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and
 - (ii) may make recommendations to the local coordinating entity for revisions to the management plan.
 - (B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.
- (5) AMENDMENTS.—
- (A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.
 - (B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.
- (6) AUTHORITIES.—The Secretary may—
- (A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and
 - (B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 2116. EVALUATION; REPORT.

- (a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—
 - (1) conduct an evaluation of the accomplishments of the National Heritage Area; and
 - (2) prepare a report in accordance with subsection (c).
- (b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—
 - (1) assess the progress of the local coordinating entity with respect to—
 - (A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and
 - (B) achieving the goals and objectives of the approved management plan for the National Heritage Area;
 - (2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and
 - (3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.
- (c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for

the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 2117. LOCAL COORDINATING ENTITY.

(a) **DUTIES.**—To further the purposes of the National Heritage Area, the Santa Cruz Valley Heritage Alliance, Inc., as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

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

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) **AUTHORITIES.**—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 2118. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 2119. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 2120. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than \$1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) **LIMITATION ON TOTAL AMOUNTS APPROPRIATED.**—Not more than \$15,000,000 may be appropriated to carry out this subtitle.

(c) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 2121. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 2122. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

TITLE III—STUDY

SEC. 3001. STUDY AND REPORT OF PROPOSED NORTHERN NECK NATIONAL HERITAGE AREA.

(a) The Secretary of the Interior (hereafter referred to as “the Secretary”), in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study of the suitability and feasibility of designating the area described in subsection (d) as the Northern Neck National Heritage Area in the Commonwealth of Virginia.

(b) **CRITERIA.**—In conducting the study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating the area described in subsection (d) as a National Heritage Area:

(1) The area—

(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklore that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities; and

(G) has resources and traditional uses that have national importance.

(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.

(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.

(4) The proposed local coordinating entity and units of government supporting the designation have documented their commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.

(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.

(6) The proposal is consistent with continued economic activity within the area.

(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.

(d) BOUNDARIES OF THE STUDY AREA.—The study area referred to in subsection (a) shall be comprised of the following:

(1) The part of Virginia between the Potomac and the Rappahannock Rivers in eastern coastal Virginia.

(2) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties, Virginia.

(3) Other areas that have heritage aspects that are similar to those aspects that are in the areas described in paragraphs (1) and (2) and which are adjacent to or in the vicinity of those areas.

(e) REPORT.—The Secretary shall

(1) review, comment on, and determine if the study meets the criteria specified in subsection (b) for designation as a National Heritage Area;

(2) consult with the Governor of the Commonwealth of Virginia; and

(3) not later than 3 fiscal years after the date on which funds are first made available for this section, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions and recommendations of the study, including—

(A) any comments received from the Governor of the Commonwealth of Virginia; and

(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.

(f) DISAPPROVAL.—If the Secretary determines that the proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (e)(3) a description of the reasons for the determination.

TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS

SEC. 4001. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

“(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled ‘A Coal Mining Heritage Study: Southern West Virginia’ conducted pursuant to title VI of Public Law 100–699.”;

(2) by striking section 105 and inserting the following:

“SEC. 105. ELIGIBLE RESOURCES.

“(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

“(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

“(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled ‘A Coal Mining Heritage Study: Southern West Virginia’ conducted pursuant to title VI of Public Law 100–699.

“(b) PRIORITY.—Priority consideration shall be given to those sites listed as ‘Conservation Priorities’ and ‘Important Historic Resources’ as depicted on the map entitled ‘Study Area: Historic Resources’ in such study.”; and

(3) in section 106(a)—

(A) by striking “Governor” and all that follows through “Parks,” and inserting “National Coal Heritage Area Authority”; and

(B) in paragraph (3), by striking “State of West Virginia” and all that follows through “entities, or” and inserting “National Coal Heritage Area Authority or”; and

(4) in section 106(b), by inserting “not” before “meet”.

SEC. 4002. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting “Butler,” after “Beaver,”.

SEC. 4003. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

“(O) Berkeley County.

“(P) Saluda County.

“(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.”.

SEC. 4004. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking “Canal National Heritage Corridor” each place it appears and inserting “National Heritage Canalway”;

(2) by striking “corridor” each place it appears and inserting “canalway”, except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking “CORRIDOR” and inserting “CANALWAY”;

(4) in the title heading, by striking “CANAL NATIONAL HERITAGE CORRIDOR” and inserting “NATIONAL HERITAGE CANALWAY”;

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by this Act), by striking “808” and inserting “806”; and

(D) in paragraph (6) (as redesignated by this Act), by striking “807(a)” and inserting “805(a)”;

(6) in the heading of section 804, by striking “canal national heritage corridor” and inserting “national heritage canalway”;

(7) in the second sentence of section 804(b)(1), by striking “808” and inserting “806”;

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by this Act), by striking “808” and inserting “806”;

(11) in section 806 (as redesignated by this Act)—

(A) in subsection (a)(1), by striking “Committee” and inserting “Secretary”;

(B) in the heading of subsection (a)(1), by striking “COMMITTEE” and inserting “SECRETARY”;

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking “Committee” and inserting “management entity”;

(D) in subsection (e), by striking “807(d)(1)” and inserting “805(d)(1)”; and

(E) in subsection (f), by striking “807(d)(1)” and inserting “805(d)(1)”; and

(12) in section 807 (as redesignated by this Act), in subsection (c) by striking “Cayohoga Valley National Recreation Area” and inserting “Cayohoga Valley National Park”;

(13) in section 808 (as redesignated by this Act)—

(A) in subsection (b), by striking “Committee or”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “Committee” and inserting “management entity”; and

(14) in section 809 (as redesignated by Act), by striking “assistance” and inserting “financial assistance”.

SEC. 4005. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

“(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

“(A) technical assistance;

“(B) the design and fabrication of interpretive materials, devices, and signs; and

“(C) the preparation of the strategic plan.”.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

“(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.”.

(3) Subsection (c) is amended by striking “2007” and inserting “2011”.

SEC. 4006. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

The Erie Canalway National Heritage Corridor Act (title VIII of Appendix D of Public Law 106–554, 114 Stat. 2763A–295) is amended—

(1) in section 804(b)—

(A) by striking “27” and inserting “at least 21 members, but not to exceed 27”;

(B) in paragraph (2), by striking “Environment” and inserting “Environmental”;

(C) in paragraph (3), by striking “19”;

(D) in paragraph (3)—

(i) by striking subparagraph (A) and redesignating subsequent subparagraphs accordingly;

(ii) in subparagraph (B) (as redesignated by clause (i)), by striking the second sentence; and

(iii) by adding after subparagraph (B) the following new subparagraph:

“(C) The remaining members shall be based on recommendations from each member of the United States House of Representatives whose district encompasses the Corridor, each of whom shall be a resident of or employed within the district from which they shall be recommended.”;

(2) in section 804(f), by striking “Fourteen members of the Commission” and inserting “A majority of the seated (sworn) Commissioners”;

(3) in section 804(g), by striking “14 of its members.” and inserting “a majority of the seated (sworn) Commissioners.”;

(4) in section 804(h)(4), by striking “staff to carry out its duties;” and inserting “such staff as may be necessary to carry out its duties. Staff appointed by the Commission—

“(A) may be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

“(B) may be paid in accordance with the provisions of chapter 51 and subchapter III of Chapter 53 of such title relating to the classification and General Schedule pay rates;”.

(5) in section 804(j), by striking “10 years after the date of enactment of this title” and inserting “15 years after the date of the enactment of this title”;

(6) in section 807(e), by striking “duties with regard to the preparation and approval of the Canalway Plan.” and inserting “duties.”;

(7) in section 807, by adding at the end the following:

“(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the Commission, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.”; and

(8) in section 810(a)(1), by inserting after the first sentence: “Such sums shall remain available until expended.”.

TITLE V—SENSE OF CONGRESS REGARDING FUNDING

SEC. 5001. SENSE OF CONGRESS REGARDING FUNDING.

It is the sense of Congress that the Federal Government should not fund a national heritage area in perpetuity.

PURPOSE OF THE BILL

The purpose of H.R. 1483, as ordered reported, is to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the funding authorization for certain national heritage areas, designate six new national heritage areas, provide for the study of a potential new area, and make other changes in the administration of certain national heritage areas.

BACKGROUND AND NEED FOR LEGISLATION

National Heritage Areas are locally-driven projects which conserve and interpret historic and cultural resources through coordinated efforts by federal, state and local governmental entities as well as private parties. The Department of the Interior, acting through the National Park Service, provides limited matching funds and technical assistance to a designated local entity responsible for coordinating management of the area. Heritage areas are not units of the National Park System, but require Congressional authorization and must have a completed study, acceptable to the Secretary of the Interior, supporting designation. To date, Congress has approved 37 national heritage areas.

As reported, H.R. 1483 would establish six new national heritage areas: Journey through Hallowed Ground NHA in Pennsylvania, Maryland, West Virginia and Virginia; Niagara Falls NHA in New York, Muscle Shoals NHA in Alabama, Freedom's Way NHA in Massachusetts and New Hampshire, Abraham Lincoln NHA in Illinois; and Santa Cruz Valley NHA in Arizona.

Each of these areas have been studied and meet the standards set forth for suitability and feasibility of such areas, including having an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use; and which would be best managed through partnerships among public and private entities so as to combine their diverse and sometimes noncontiguous resources and active communities.

The areas also reflect traditions, customs, beliefs, and folklife that are a valuable part of the national story; provide outstanding opportunities to conserve natural, historic, cultural, or scenic features; provide outstanding recreational and educational opportunities; and contain resources important to the identified theme or themes of the area that retain a degree of integrity capable of supporting interpretation.

Supporters of each area include residents, business interests, nonprofit organizations, and local and state governments who are all involved in the planning. Each proposed heritage area has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and has demonstrated support for the concept of a national heritage area. Each proposed heritage area has also identified a potential management entity and developed a conceptual boundary map that is supported by the public.

As reported, H.R. 1483 would also authorize additional funding for nine existing national heritage areas: America's Agricultural Heritage Partnership (Silos and Smokestacks) (IA), Augusta Canal (GA), Essex (MA), Hudson River Valley (NY), Coal (WV), Ohio and

Erie Canal (OH), Rivers of Steel (PA), South Carolina (SC), and Tennessee Civil War (TN), and requires the Secretary of the Interior to evaluate the long-term viability of each area.

H.R. 1483 as reported also would require a study of Virginia's Northern Neck as a possible heritage area; make technical changes to the management language governing the Ohio and Erie Canal National Heritage Corridor, the National Coal Heritage Area, and Erie Canalway National Heritage Corridor (NY); would add counties to the South Carolina and Rivers of Steel NHAs; and would extend the authorization of the New Jersey Coastal Heritage Trail Route.

COMMITTEE ACTION

H.R. 1483 was introduced on March 12, 2007, by Rep. Ralph Regula (R-OH). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests and Public Lands.

H.R. 1483 was the subject of a hearing before the Subcommittee on National Parks, Forests and Public Lands on May 15, 2007. Free standing bills establishing the Journey through Hallowed Ground NHA and the Niagara Falls NHA were approved by the Natural Resources Committee on March 7, 2007, and May 2, 2007, respectively.

Hearings on the other four new national heritage areas were held on June 14, 2007, for the Abraham Lincoln NHA (H.R. 1625) and on July 12, 2007, for Muscle Shoals (H.R. 1145), Freedom's Way (H.R. 1297) and Santa Cruz Valley (H.R. 1885).

The July 12 hearing also featured H.R. 105, which would mandate the Northern Neck study; H.R. 1083, which would add a county to the Rivers of Steel NHA; and H.R. 1815, which would grant a short extension to the authorization of the New Jersey Coastal Heritage Trail Route.

On September 26, 2007, the Full Natural Resources Committee met to consider H.R. 1483.

Rep. Raul Grijalva (D-AZ) offered an amendment in the nature of a substitute to raise the appropriations ceiling for each of the nine national heritage areas identified in the original bill from the current \$10 million to \$15 million, rather than \$20 million as specified in the bill as introduced. The substitute does not provide any extension of the current sunset dates for these areas. The substitute would also require an evaluation and report procedure as requested by the National Park Service, would designate six new national heritage areas and set out management, evaluation, sunset and other requirements for each area; direct the National Park Service to study the suitability and feasibility of designating a national heritage area in the Northern Neck of Virginia; make technical corrections in the establishing legislation of three existing national heritage areas, incorporate additional counties within the boundaries of two existing areas, and extend the authorization of the New Jersey Coastal Heritage Trail Route for four years and make other technical changes relating to a report required by Public Law 109-338.

An amendment offered by Rep. Jeff Flake (R-AZ) to express the sense of Congress that the federal government should not fund a national heritage area in perpetuity was agreed to by voice vote.

An amendment offered by Rep. Dean Heller (R–NV) to delete the sixth congressional district of Maryland and the fifth congressional district of Virginia from the Journey through Hallowed Ground National Heritage Area was rejected on a voice vote.

An amendment offered by Rep. Doug Lamborn (R–CO) to insert a savings clause relating to the development and management of energy, water and water-related infrastructure was offered then withdrawn.

Subsequently, an amendment offered by Chairman Nick Rahall (D–WV) to specify that development and management of energy, water and water-related infrastructure are included in the regulatory activities that are not altered by new heritage area designations was agreed to by voice vote.

An amendment offered by Rep. Rob Bishop (R–UT) to require notification of each private property owner whose land would be preserved, conserved or promoted by the management plan, and to require that any property owner be allowed to withdraw their property from the heritage area by written request, was rejected on a voice vote.

The Grijalva amendment in the nature of a substitute, as amended, was agreed to by voice vote.

The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 23 to 12, as follows:

Committee on Natural Resources
U.S. House of Representatives
110th Congress

Date: September 26, 2007

Convened:

Adjourned:

Meeting on: Markup of HR 1483 (Final) Favorably reported to the House of Representatives, as amended, by a roll call vote of 23 yeas and 12 nays.

☑Recorded Vote

Vote # 1

Total: Yeas: 23

Nays: 12

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Rahall, WV	✓			Mr. Jindal, LA			
Mr. Young, AK				Mrs. Bordallo, VI	✓		
Mr. Miller, CA				Mr. Gohmert, TX		✓	
Mr. Saxton, NJ				Mr. Costa, CA	✓		
Mr. Markey, MA	✓			Mr. Cole, OK			
Mr. Gallegly, CA				Mr. Boren, OK	✓		
Mr. Kildee, MI				Mr. Bishop, UT		✓	
Mr. Duncan, TN				Mr. Sarbanes, MD	✓		
Mr. DeFazio, OR	✓			Mr. Shuster, PA		✓	
Mr. Gilchrest, MD				Mr. Hinchey, NY	✓		
Mr. Faleomavaega, AS				Mr. Heller, NV		✓	
Mr. Cannon, UT				Mr. Kennedy, RI	✓		
Mr. Abercrombie, HI	✓			Mr. Sali, ID		✓	
Mr. Tancredo, CO		✓		Mr. Kind, WI	✓		
Mr. Ortiz, TX	✓			Mr. Lamborn, CO		✓	
Mr. Flake, AZ		✓		Mrs. Capps, CA	✓		
Mr. Pallone, NJ				Ms. Fallin, OK			
Mr. Pearce, NM		✓		Mr. Inslee, WA	✓		
Mrs. Christensen, VI	✓			Mr. McCarthy, CA		✓	
Mr. Brown, SC	✓			Mr. Mark Udall, CO			
Mrs. Napolitano, CA	✓			Mr. Baca, CA	✓		
Mr. Fortuño, PR		✓		Ms. Solis, CA	✓		
Mr. Holt, NJ	✓			Ms. Herseth, SD	✓		
Mrs. McMorris Rodgers, WA		✓		Mr. Shuler, NC	✓		
Mr. Grijalva, AZ	✓						
				Total	23	12	

Markups - 1/3 to meet (16), 25 to report
September 26, 2007 (3:56pm)

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 states that the bill may be cited as the “Celebrating America’s Heritage Act.”

Section 2. Table of contents

Section 2 lays out the bill’s table of contents.

TITLE I: AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES

Title I would increase the total funding authorization from \$10 million to \$15 million for nine existing national heritage areas (NHAs): America’s Agricultural Heritage Partnership (Silos and Smokestacks) (IA), Augusta Canal (GA), Essex (MA), Hudson River Valley (NY), Coal (WV), Ohio and Erie Canal (OH), Rivers of Steel (PA), South Carolina (SC), and Tennessee Civil War (TN).

Title I would also require the National Park Service to evaluate the accomplishments of each of those areas, report to Congress on those accomplishments, as well as on government and private investment in the area and make recommendations on the future role, if any, of the National Park Service in that heritage area. The evaluation would begin not later than three years before the sunset date for the area.

TITLE II: ESTABLISHMENT OF NATIONAL HERITAGE AREAS

The six subtitles of Title II would each establish a new national heritage area: Journey through Hallowed Ground NHA in Virginia, West Virginia, Maryland, and Pennsylvania (Subtitle A), Niagara Falls NHA in New York (Subtitle B), Muscle Shoals NHA in Alabama (Subtitle C), Freedom’s Way NHA in Massachusetts and New Hampshire (Subtitle D), Abraham Lincoln NHA in Illinois (Subtitle E); and Santa Cruz Valley NHA in Arizona (Subtitle F).

Each subtitle sets forth the definitions and purposes of the particular NHA, specifies the states and counties involved, cites a National Park Service map describing the boundaries, identifies the local coordinating entity responsible for the area, sets out requirements for development and implementation of a management plan, establishes an evaluation requirement identical to that contained in Title I, describes the duties and authorities of the local coordinating entity, outlines the area’s relationship to other federal agencies, sets forth protections for private property owners and makes clear that the designation does not alter existing regulations or land use plans, authorizes up to \$1 million annually for 15 years for a total of up to \$15 million, and terminates the authority of the National Park Service to provide assistance under each subtitle 15 years after the date of enactment.

Each subtitle includes property rights language identical to that which has already been approved several times by this committee, the Senate Energy and Natural Resources Committee and the full Senate. That language includes provisions making clear that nothing in each subtitle abridges any property right “including the right to refrain from participating in any plan, project, program of activity conducted within the National Heritage Area,” and that property owners may not be required under this act to grant access to or through their property.

Additionally, each subtitle includes language that would prohibit the local coordinating entity from using Federal funds authorized under this act to acquire any interest in real property.

Each subtitle also makes clear that duly adopted land use regulations and plans as well as any other Federal, state, local or tribal regulatory authority are unaffected by the legislation, including development and management of infrastructure related to energy and water projects.

Each subtitle also expressly states that no water rights are authorized or implied, and that states' authority to manage fish and wildlife (including hunting within the National Heritage Area) are unaffected.

TITLE III: STUDY

Title III would direct the National Park Service to study the suitability and feasibility of designating certain portions of the Commonwealth of Virginia as the Northern Neck National Heritage Area.

TITLE IV: TECHNICAL CORRECTIONS AND ADDITIONS

Title IV would make technical corrections in the establishing legislation of the National Coal Heritage Area, the Ohio & Erie Canal National Heritage Corridor, and the Erie Canalway National Heritage Corridor.

Specifically, the changes for the National Coal Heritage Area would authorize the transition of the management entity to a new organization, the National Coal Heritage Area Authority, and make other technical changes. The technical corrections for the Ohio & Erie Canal are mostly related to a name change for the area and the deauthorization of the Ohio & Erie Canal National Heritage Corridor Committee, whose duties have already been assumed by a non-profit management entity.

Title IV would also make a series of technical changes in the legislation (PL 106-554) authorizing the Erie Canalway National Heritage Corridor. The changes relate to the makeup and operation of the commission established in the original law to develop a management plan; the amendments would also allow appropriated funds to remain available until spent.

Title IV would also add Butler County, PA, to the Rivers of Steel NHA; and Berkeley, Saluda and part of Georgetown County to the South Carolina National Heritage Corridor.

Title IV would also extend the authorization of the New Jersey Coastal Heritage Trail Route by three years to allow completion of a strategic plan ordered by the 109th Congress (PL 109-338) and authorize the use of federal funding to complete the plan.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. **Cost of Legislation.** Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. **Congressional Budget Act.** As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. **General Performance Goals and Objectives.** As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes.

4. **Congressional Budget Office Cost Estimate.** Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1483—Celebrating America’s Heritage Act

Summary: H.R. 1483 would establish six national heritage areas (NHAs), which are nonfederal lands and communities managed privately in conjunction with the National Park System. For each of the new areas, the bill would authorize the appropriation of \$1 million annually, up to \$15 million over 15 years. In addition, the bill would increase the ceiling on authorizations of appropriations for nine existing NHAs.

Assuming appropriation of the authorized amounts, CBO estimates that the National Park Service (NPS) would spend \$6 million in 2008 and \$46 million over the 2008–2012 period to implement H.R. 1483. An additional \$60 million would be spent after 2012. Enacting H.R. 1483 would have no significant effect on revenues or direct spending.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 1483 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Spending for Proposed NHAs:					
Estimated Authorization Level	6	6	6	6	6
Estimated Outlays	6	6	6	6	6
Spending for Existing NHAs:					
Estimated Authorization Level	0	3	4	4	5
Estimated Outlays	0	3	4	4	5
Total Spending Under H.R. 1483:					
Estimated Authorization Level	6	9	10	10	11
Estimated Outlays	6	9	10	10	11

Basis of estimate: For this estimate, CBO assumes that H.R. 1483 will be enacted early in fiscal year 2008 and that the authorized amounts will be appropriated for each year. The NPS would use such appropriations to provide technical and financial assistance to the managing entities of the NHAs, which are usually local nonprofit organizations. Historically, the NPS has received appropriations of between \$8 million and \$14 million a year for that purpose.

Spending for proposed NHAs

The authorization levels in the table include \$1 million annually for each of the six NHAs that would be established by the bill:

- Journey Through Hallowed Ground NHA in Maryland and Virginia;
- Niagara Falls NHA in New York;
- Muscle Shoals NHA in Alabama;
- Freedom's Way NHA in Massachusetts and New Hampshire;

ABRAHAM LINCOLN NHA IN ILLINOIS; AND SANTA CRUZ VALLEY
NHA IN ARIZONA.

Assuming appropriation of the authorized amounts, CBO estimates that the NPS would spend \$6 million in 2008 and \$30 million over the 2008–2012 period to assist the NHAs with planning and development. We estimate that \$60 million would be spent for this purpose after 2012.

Spending for existing NHAs

The bill would raise, from \$10 million to \$15 million, the authorization ceiling for nine NHAs that were established in 1996. Under this provision, the nine NHAs would be eligible to receive additional payments of up to \$1 million annually after they have reached the existing ceiling. The affected areas, and their aggregate appropriations to date, include:

- America's Agricultural Heritage Partnership (\$5.1 million);
 - Augusta Canal NHA (\$4.7 million);
 - Essex NHA (\$9.3 million);
 - Hudson River Valley NHA (\$6 million);
 - National Coal Heritage Area (\$1.9 million);
 - Ohio and Erie Canal National Heritage Canalway (\$9.4 million);
 - Rivers of Steel NHA (\$9.4 million);
 - South Carolina National Heritage Corridor (\$7.9 million);
- and

- Tennessee Civil War Heritage Area (\$2.1 million)

Based on appropriations to date and assuming appropriation of the additional amounts authorized by the bill for each area after it reaches the existing ceiling, CBO estimates that implementing this aspect of H.R. 1483 would cost \$16 million over the 2008–2012 period. We expect that three of the NHAs would begin receiving the additional funding in 2009. That number would increase to five by 2012. As under existing law, authority for funding for those nine areas would expire after fiscal year 2012; therefore, no additional amounts would be spent after that period under the legislation.

Intergovernmental and private-sector impact: H.R. 1483 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimates: CBO has transmitted cost estimates during the 110th Congress for several bills that would establish the Journey Through Hallowed Ground NHA (see S. 289 and H.R. 319), the Niagara Falls NHA (see S. 800 and H.R. 713), and the Abraham Lincoln NHA (see S. 955). The estimated costs of those bills were the same as those for the similar provisions in H.R. 1483.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Leo Lex; Impact on the private sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1483 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

(Division II of Public Law 104–333)

* * * * *

DIVISION II

TITLE I—NATIONAL COAL HERITAGE AREA

SEC. 101. SHORT TITLE.

This title may be cited as the “National Coal Heritage Area Act of 1996”.

* * * * *

SEC. 103. ESTABLISHMENT.

(a) * * *

[(b) BOUNDARIES.—The Area shall be shall be comprised of the following:

[(1) The counties; and in the State of West Virginia that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699.

[(2) Lincoln County, West Virginia.

[(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.]

(b) BOUNDARIES.—*The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699.*

* * * * *

[SEC. 105. ELIGIBLE RESOURCES.

[The resources eligible for the assistance under paragraph (2) of section 104 shall include those set forth in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia”, conducted pursuant to title VI of Public Law 100–699. Priority consideration shall be given to those sites listed as “Conservation Priorities” and “Important Historic Resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.]

SEC. 105. ELIGIBLE RESOURCES.

(a) IN GENERAL.—*The resources eligible for the assistance under section 104 shall include—*

(1) *resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawha County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and*

(2) *the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled “A Coal Mining Heritage Study: Southern West Virginia” conducted pursuant to title VI of Public Law 100–699.*

(b) PRIORITY.—*Priority consideration shall be given to those sites listed as “Conservation Priorities” and “Important Historic Re-*

resources” as depicted on the map entitled “Study Area: Historic Resources” in such study.

SEC. 106. COAL HERITAGE MANAGEMENT PLAN.

(a) IN GENERAL.—Pursuant to the contractual agreement referred to in section 104, within three years after the date of enactment of this title, the [Governor of the State of West Virginia, acting through the Division of Culture and History and the Division of Tourism and Parks,] *National Coal Heritage Area Authority* shall submit to the Secretary a Coal Heritage Management Plan for the Area. The plan shall at a minimum—

(1) * * *

* * * * *

(3) set forth the responsibilities of the [State of West Virginia, units of local government, nonprofit entities, or] *National Coal Heritage Area Authority* or the Secretary to administer any properties acquired pursuant to section 104.

(b) PLAN APPROVAL.—The Secretary shall approve the plan submitted under subsection (a) unless he determines that it would *not* meet the objectives of this title.

* * * * *

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$15,000,000 may be appropriated for the Area under this title.

* * * * *

TITLE II—TENNESSEE CIVIL WAR HERITAGE AREA

* * * * *

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$15,000,000 may be appropriated for the national heritage area under this title.

* * * * *

TITLE III—AUGUSTA CANAL NATIONAL HERITAGE AREA

* * * * *

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [\$10,000,000] \$15,000,000 may be appropriated for the Heritage Area under this title.

* * * * *

TITLE IV—STEEL INDUSTRY HERITAGE PROJECT

* * * * *

SEC. 403. STEEL INDUSTRY AMERICAN HERITAGE AREA.

(a) * * *

(b) BOUNDARIES.—The Heritage Area shall be comprised of the counties of Allegheny, Armstrong, Beaver, *Butler*, Fayette, Greene, Washington, and Westmoreland in Pennsylvania.

* * * * *

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [~~\$10,000,000~~] *\$15,000,000* may be appropriated for the Heritage Area under this title.

* * * * *

TITLE V—ESSEX NATIONAL HERITAGE AREA

* * * * *

SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of [~~\$10,000,000~~] *\$15,000,000* may be appropriated for the Area under this title.

* * * * *

TITLE VI—SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR

* * * * *

SEC. 604. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.

(a) * * *

(b) BOUNDARIES.—

(1) * * *

(2) INCLUDED COUNTIES.—The Corridor shall consist of the following counties of South Carolina, in part or in whole, as the heritage plan may specify on the recommendations of the units of local government with the Corridor area:

(A) Oconee.

* * * * *

(O) *Berkeley County.*

(P) *Saluda County.*

(Q) *The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.*

* * * * *

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of ~~[\$10,000,000]~~ \$15,000,000 may be appropriated for the Corridor under this title.

* * * * *

TITLE VII—AMERICA’S AGRICULTURAL HERITAGE PARTNERSHIP

SEC. 708. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of ~~[\$10,000,000]~~ \$15,000,000 may be appropriated for the Partnership under this title.

* * * * *

TITLE VIII—OHIO & ERIE [CANAL NATIONAL HERITAGE CORRIDOR] NATIONAL HERITAGE CANALWAY

SEC. 801. SHORT TITLE.

This title may be cited as the “Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway Act of 1996*”.

SEC. 802. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) * * *

* * * * *

(6) A 1993 Special Resources Study of the Ohio & Erie Canal Corridor conducted by the National Park Service entitled “A Route to Prosperity” has concluded that the [corridor] *canalway* is eligible as a National Heritage Corridor.

(7) Local governments, the State of Ohio, and private sector interests have embraced the heritage [corridor] *canalway* concept and desire to enter into partnership with the Federal Government to preserve, protect, and develop the [corridor] *canalway* for public benefit.

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

(1) * * *

(2) to encourage within the [corridor] *canalway* a broad range of economic opportunities enhancing the quality of life for present and future generations;

(3) to provide a management framework to assist the State of Ohio, its political subdivisions, and nonprofit organizations, or combinations thereof, in preparing and implementing an integrated Corridor Management Plan and in developing policies and programs that will preserve, enhance, and interpret the cultural, historical, natural, recreation, and scenic resources of the [corridor] *canalway*; and

* * * * *

SEC. 803. DEFINITIONS.

For the purposes of this title:

(1) The term “[corridor] *canalway*” means the Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway* established by section 804.

[(2)] (2) The term “Committee” means the Ohio & Erie Canal National Heritage Area Committee established by section 805.]

[(3)] (2) The term “Corridor Management Plan” means the management plan developed under section [808] 806.

[(4)] (3) The term “Secretary” means the Secretary of the Interior.

[(5)] (4) The term “technical assistance” means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary of the Interior.

[(6)] (5) The term “financial assistance” means funds appropriated by Congress and made available to the management entity for the purposes of preparing and implementing a Corridor Management Plan.

[(7)] (6) The term “management entity” means the entity recognized by the Secretary pursuant to section [807(a)] 805(a) to receive, distribute, and account for Federal funds appropriated for the purposes of this title.

SEC. 804. OHIO & ERIE [CANAL NATIONAL HERITAGE CORRIDOR] NATIONAL HERITAGE CANALWAY.

(a) ESTABLISHMENT.—There is established in the State of Ohio the Ohio & Erie [Canal National Heritage Corridor] *National Heritage Canalway*.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the [corridor] *canalway* shall be composed of the lands that are generally the route of the Ohio & Erie Canal from Cleveland to Zoar, Ohio, as depicted in the 1993 National Park Service Special Resources Study, “A Route to Prosperity”, subject to paragraph (2). The specific boundaries shall be those specified in the management plan submitted under section [808] 806. The Secretary shall prepare a map of the [corridor] *canalway* which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(2) CONSENT OF LOCAL GOVERNMENTS.—No privately owned property shall be included within the boundaries of the [corridor] *canalway* unless the municipality in which the property is located agrees to be so included and submits notification of such agreement to the Secretary.

(c) ADMINISTRATION.—The [corridor] *canalway* shall be administered in accordance with the provisions of this title.

[SEC. 805. THE OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR COMMITTEE.

[(a)] ESTABLISHMENT.—There is hereby established a Committee to be known as the “Ohio & Erie Canal National Heritage Corridor Committee”, whose purpose shall be to assist Federal, State, and local authorities and the private sector in the preparation and implementation of an integrated Corridor Management Plan.

[(b)] MEMBERSHIP.—The Committee shall be comprised of 21 members, as follows:

[(1) Four individuals, appointed by the Secretary after consideration of recommendations submitted by the Greater Cleveland Growth Association, the Akron Regional Development Board, the Stark Development Board, and the Tuscarawas County Chamber of Commerce, who shall include one representative of business and industry from each of Ohio counties of Cuyahoga, Summit, Stark, and Tuscarawas.

[(2) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the Ohio Department of Travel and Tourism, who is a director of a convention and tourism bureau within the corridor.

[(3) One individual, appointed by the Secretary after consideration of recommendations submitted by the Ohio Historic Preservation Officer, with knowledge and experience in the field of historic preservation.

[(4) One individual, appointed by the Secretary after consideration of recommendations submitted by the Director of the National Park Service, with knowledge and experience in the field of historic preservation.

[(5) Three individuals appointed by the Secretary after consideration of recommendations submitted by the county or metropolitan park boards in the Ohio counties of Cuyahoga, Summit, and Stark.

[(6) Eight individuals appointed by the Secretary after consideration of recommendations submitted by the county commissioners or county chief executive of the Ohio counties of Cuyahoga, Summit, Stark and Tuscarawas, including—

[(A) from each county, one representative of the planning offices of the county; and

[(B) from each county, one representative of a municipality in the county.

[(7) Two individuals appointed by the Secretary after consideration of recommendations submitted by the Governor of Ohio, who shall be representatives of the Directors of the Ohio Department of Natural Resources and the Ohio Department of Transportation.

[(8) The Superintendent of the Cuyahoga Valley National Recreation Area, ex officio.

[(c) APPOINTMENTS.—

[(1) IN GENERAL.—Except as provided in paragraph (2), members of the Committee shall be appointed for terms of three years and may be reappointed.

[(2) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Committee within 30 days after the date on which the Secretary has received all recommendations pursuant to subsection (b). Of the members first appointed—

[(A) the members appointed pursuant to subsection (b)(6)(B) shall be appointed to a term of two years and may not be reappointed to a consecutive term; and

[(B) the member appointed pursuant to subsection (b)(2) shall be appointed to a term of two years and may not be reappointed to a consecutive term.

[(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Committee shall be elected by the members of the Committee. The terms of the chair and vice chair shall be two years.

[(e) VACANCY.—A vacancy in the Committee shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which their predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Committee appointed for a definite term may serve after the expiration of their term until their successor has taken office.]

[(f) COMPENSATION AND EXPENSES.—Members of the Committee shall serve without compensation for their service on the Committee.]

[(g) QUORUM.—Eleven members of the Committee shall constitute a quorum.]

[(h) MEETINGS.—The Committee shall meet at least quarterly at the call of the chairperson or 11 of its members. Meetings of the Committee shall be subject to section 552b of title 5, United States Code (relating to open meetings).]

[(i) NOT TREATED AS ADVISORY COMMITTEE.—The Committee shall not be treated as an Advisory Committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).]

[SEC. 806. POWERS AND DUTIES OF THE NATIONAL HERITAGE CORRIDOR COMMITTEE.]

[(a) HEARINGS.—The Committee may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Committee considers appropriate. The Committee may not issue subpoenas or exercise any subpoena authority.]

[(b) BYLAWS.—The Committee may make such bylaws and rules, consistent with this title, as it considers necessary to carry out its functions under this title.]

[(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Committee, if so authorized by the Committee, may take any action which the Committee is authorized to take by this title.]

[(d) CORRIDOR MANAGEMENT PLAN.—Upon submission of a draft Corridor Management Plan to the Committee from the management entity, the Committee shall, within 60 days, review such plan for consistency with the purposes of this title and endorse the plan or return it to the management entity for revision. Upon endorsement of the Corridor Management Plan, the Committee shall submit such plan to the Secretary for approval pursuant to section 808.]

[(e) REVIEW OF BUDGET.—The Committee shall review on an annual basis the proposed expenditures of Federal funds by the management entity for consistency with the purpose of this title and the Corridor Management Plan.]

SEC. [807] 805. MANAGEMENT ENTITY.

(a) ENTITY.—Upon petition, the Secretary is authorized to recognize the Ohio & Erie Canal Association as the management entity for the Heritage Corridor.

(b) ELIGIBILITY.—To be eligible for designation as the management entity of the [corridor] *canalway*, an entity must possess the legal ability to—

- (1) receive Federal funds for use in preparing and implementing the management plan for the [corridor] *canalway*;

- (2) disburse Federal funds to other units of government or other organizations for use in preparing and implementing the management plan for the [corridor] *canalway*;
- (3) account for all Federal funds received or disbursed; and
- (4) sign agreements with the Federal Government.

(c) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE.—The management entity is authorized to receive appropriated Federal funds.

(2) DISQUALIFICATION.—If a management plan for the [corridor] *canalway* is not submitted to the Secretary as required under section [808] 806 within the time specified herein, the management entity shall cease to be eligible for Federal funding under this title until such a plan regarding the [corridor] *canalway* is submitted to the Secretary.

(d) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity of the [corridor] *canalway* may, for purposes of preparing and implementing the management plan for the [corridor] *canalway*, use Federal funds made available under this title—

(1) * * *

* * * * *

(e) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The management entity for the [corridor] *canalway* may not use Federal funds received under this title to acquire real property or any interest in real property.

SEC. [808] 806. DUTIES OF THE MANAGEMENT ENTITY.

(a) CORRIDOR MANAGEMENT PLAN.—

(1) SUBMISSION FOR REVIEW BY [COMMITTEE] *SECRETARY*.—Within 3 years after the date on which the Secretary has recognized the management entity for the [corridor] *canalway*, the management entity shall develop and submit for review to the [Committee] *Secretary* a management plan for the [corridor] *canalway*.

(2) PLAN REQUIREMENTS.—A management plan submitted under this title shall present comprehensive recommendations for the conservation, funding, management, and development of the [corridor] *canalway*. The plan shall be prepared with public participation. The plan shall take into consideration existing Federal, State, county, and local plans and involve residents, public agencies, and private organizations in the [corridor] *canalway*. The plan shall include a description of actions that units of government and private organizations are recommended to take to protect the resources of the [corridor] *canalway*. The plan shall specify existing and potential sources of funding for the conservation, management, and development of the [corridor] *canalway*. The plan also shall include the following, as appropriate:

(A) An inventory of the resources contained in the [corridor] *canalway*, including a list of property in the [corridor] *canalway* that should be conserved, restored, managed, developed, or maintained because of the natural, cultural, or historic significance of the property as it relates to the themes of the [corridor] *canalway*.

(B) A recommendation of policies for resource management that consider and detail the application of appro-

appropriate land and water management techniques, including (but not limited to) the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the **[corridor]** *canalway* in a manner consistent with the support of appropriate and compatible economic viability.

(C) A program, including plans for restoration and construction, for implementation of the management plan by the management entity and specific commitments, for the first six years of operation of the plan by the partners identified in said plan.

(D) An analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this title.

(E) An interpretive plan for the **[corridor]** *canalway*.

(3) APPROVAL AND DISAPPROVAL OF THE **[CORRIDOR]** CANALWAY MANAGEMENT PLAN.—

(A) IN GENERAL.—Upon submission of the Corridor Management Plan from the Committee, the Secretary shall approve or disapprove said plan not later than 60 days after receipt of the plan. If the Secretary has taken no action after 60 days upon receipt, the plan shall be considered approved.

(B) DISAPPROVAL AND REVISIONS.—If the Secretary disapproves the Corridor Management Plan, the Secretary shall advise the **[Committee]** *management entity*, in writing, of the reasons for the disapproval and shall make recommendations for revision of the plan. The Secretary shall approve or disapprove proposed revisions to the plan not later than 60 days after receipt of such revision. If the Secretary has taken no action for 60 days after receipt, the plan shall be considered approved.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the management plan for the **[corridor]** *canalway*, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations—

(A) in conserving the **[corridor]** *canalway*;

(B) in establishing and maintaining interpretive exhibits in the **[corridor]** *canalway*;

(C) in developing recreational opportunities in the **[corridor]** *canalway*;

(D) in increasing public awareness of and appreciation for the natural, historical, and cultural resources of the **[corridor]** *canalway*;

(E) in the restoration of historic buildings that are located within the boundaries of the **[corridor]** *canalway* and relate to the themes of the **[corridor]** *canalway*; and

(F) in ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the **[corridor]** *canalway*; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—The management entity shall, in preparing and implementing the management plan for the [corridor] *canalway*, consider the interest of diverse units of government, businesses, private property owners, and nonprofit groups within the geographic area.

(d) PUBLIC MEETINGS.—The management entity shall conduct public meetings at least quarterly regarding the implementation of the Corridor Management Plan.

(e) ANNUAL REPORTS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section [807(d)(1)] *805(d)(1)* is outstanding, submit an annual report to the Secretary setting forth its accomplishments, its expenses and income, and the entities to which it made any loans and grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—The management entity shall, for any fiscal year in which it receives Federal funds under this title or in which a loan made by the entity with Federal funds under section [807(d)(1)] *805(d)(1)* is outstanding, make available for audit by the Congress, the Secretary, and appropriate units of government all records and other information pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds.

SEC. [809] 807. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and grants to units of government, nonprofit organizations, and other persons, upon request of the management entity of the [corridor] *canalway*, and to the management entity, regarding the management plan and its implementation.

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

(3) DETERMINATIONS REGARDING ASSISTANCE.—The Secretary shall decide if the [corridor] *canalway* shall be awarded technical assistance or grants and the amount of that assistance. Such decisions shall be based on the relative degree to which the [corridor] *canalway* effectively fulfills the objectives contained in the Corridor Management Plan and achieves the purposes of this title. Such decisions shall give consideration to projects which provide a greater leverage of Federal funds.

(b) PROVISION OF INFORMATION.—In cooperation with other Federal agencies, the Secretary shall provide the general public with information regarding the location and character of the [corridor] *canalway*.

(c) OTHER ASSISTANCE.—Upon request, the Superintendent of [Cuyahoga Valley National Recreation Area] *Cuyahoga Valley National Park* may provide to public and private organizations within the [corridor] *canalway* (including the management entity for the

【corridor】 *canalway*) such operational assistance as appropriate to support the implementation of the Corridor Management Plan, subject to the availability of appropriated funds. The Secretary is authorized to enter into cooperative agreements with public and private organizations for the purposes of implementing this subsection.

(d) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal entity conducting any activity directly affecting the 【corridor】 *canalway* shall consider the potential effect of the activity on the Corridor Management Plan and shall consult with the management entity of the 【corridor】 *canalway* with respect to the activity to minimize the adverse effects of the activity on the 【corridor】 *canalway*.

SEC. 【810】 808. LACK OF EFFECT ON LAND USE REGULATION AND PRIVATE PROPERTY.

(a) LACK OF EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) LACK OF ZONING OR LAND USE POWERS.—Nothing in this title shall be construed to grant powers of zoning or land use control to the 【Committee or】 management entity of the 【corridor】 *canalway*.

(c) LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this title shall be construed to affect or to authorize the 【Committee】 *management entity* to interfere with—

- (1) the rights of any person with respect to private property; or
- (2) any local zoning ordinance or land use plan of the State of Ohio or a political subdivision thereof.

SEC. 【811】 809. SUNSET.

The Secretary may not make any grant or provide any *financial* assistance under this title after September 30, 2012.

SEC. 【812】 810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of 【\$10,000,000】 *\$15,000,000* may be appropriated for the 【corridor】 *canalway* under this title.

(b) 50 PERCENT MATCH.—Federal funding provided under this title, after the designation of this 【corridor】 *canalway*, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.

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**TITLE IX—HUDSON RIVER VALLEY
NATIONAL HERITAGE AREA**

* * * * *

SEC. 909. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

* * * * *

(c) IMPLEMENTATION.—There is authorized to be appropriated to the Secretary, for grants (and the administration thereof) for the

implementation of the management plans for the Heritage Area pursuant to section 908, not more than ~~[\$10,000,000]~~ \$15,000,000, to remain available until expended, subject to the following conditions:

(1) * * *

* * * * *

SECTION 6 OF THE ACT OF OCTOBER 20, 1988

(Public Law 100-515)

AN ACT to provide for the establishment of the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this Act.

(b) USE OF FUNDS.—

[(1) IN GENERAL.—Amounts made available under subsection

(a) shall be used only for—

[(A) technical assistance; and

[(B) the design and fabrication of interpretative materials, devices, and signs.]

(1) IN GENERAL.—Amounts made available under subsection

(a) shall be used only for—

(A) technical assistance;

(B) the design and fabrication of interpretive materials, devices, and signs; and

(C) the preparation of the strategic plan.

* * * * *

(3) COST-SHARING REQUIREMENT.—

(A) * * *

* * * * *

(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.

(c) TERMINATION OF AUTHORITY.—The authorities provided to the Secretary under this Act shall terminate on September 30, [2007] 2011.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

TITLE VIII—ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the “Erie Canalway National Heritage Corridor Act”.

* * * * *

SEC. 804. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) * * *

(b) MEMBERSHIP.—The Commission shall be composed of [27] *at least 21 members, but not to exceed 27 members* as follows:

(1) * * *

(2) Seven members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies' successors: The New York State Secretary of State, the New York State Department of [Environment] *Environmental* Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the New York State Canal Corporation, and the Empire State Development Corporation.

(3) The remaining [19] members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Secretary as follows:

[(A) Eleven members based on a recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each shall be a resident of the district from which they shall be recommended.]

[(B) (A) Two members based on a recommendation from each United States Senator from New York State.

[(C) (B) Six members who shall be residents of any county constituting the Corridor. [One such member shall have knowledge and experience of the Canal Recreationway Commission.]

(C) *The remaining members shall be based on recommendations from each member of the United States House of Representatives whose district encompasses the Corridor, each of whom shall be a resident of or employed within the district from which they shall be recommended.*

* * * * *

(f) QUORUM AND VOTING.—[Fourteen members of the Commission] *A majority of the seated (sworn) Commissioners* shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or [14 of its members.] *a majority of the seated (sworn) Commissioners.* Notice of Commission meetings and agendas for the meeting shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be sub-

ject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated, the Commission is authorized—

(1) * * *

* * * * *

(4) to appoint and fix the compensation of [staff to carry out its duties;] *such staff as may be necessary to carry out its duties. Staff appointed by the Commission—*

(A) may be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) may be paid in accordance with the provisions of chapter 51 and subchapter III of Chapter 53 of such title relating to the classification and General Schedule pay rates;

* * * * *

(j) TERMINATION.—The Commission shall terminate on the day occurring [10 years after the date of enactment of this title] *15 years after the date of the enactment of this title.*

* * * * *

SEC. 807. DUTIES OF THE SECRETARY.

(a) * * *

* * * * *

(e) DETAIL.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, two employees of the Department of the Interior to enable the Commission to carry out the Commission’s [duties with regard to the preparation and approval of the Canalway Plan.] *duties.* Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the Commission, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

* * * * *

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) CORRIDOR.—There is authorized to be appropriated for the Corridor not more than \$1,000,000 for any fiscal year. *Such sums shall remain available until expended.* Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title.

* * * * *

DISSENTING VIEWS ON H.R. 1483

We oppose H.R. 1483 because it is an irresponsible bill further marred by Committee Democrats in markup on September 26, 2007. While the intent of H.R. 1483 was evident—extending the authorization and funding for nine heritage areas that have nearly hit their authorized funding cap—it is not clear why the Democrats chose to take this bill and turn it into a vehicle for more spending. The Grijalva amendment in the nature of a substitute (ANS) passed by the Democrats is a thumb in the eye to private property rights advocates and fiscal responsibility. Inexplicably the Democrats gave the six new heritage areas included in the ANS a \$5 million raise over what was requested in their respective bills as introduced. Each heritage area will now receive \$15 million in federal money and remain eligible for additional federal funds. The total cost of the bill with the Democrat ANS is over \$135 million. While one committee member described this as a “small paltry pittance,” it should be recorded that \$135 million is equal to the total annual federal income taxes paid by 33,276 middle-class taxpayers.

Taxpayer advocates testified against H.R. 1483 in subcommittee. Heritage areas must become self-sufficient. Even former National Parks Subcommittee Chairman, the late Bruce Vento, agreed with this principle. On October 5, 1994, during floor debate on the heritage areas that will be reauthorized in H.R. 1483 he explained, “there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we get the benefit of that conservation.” We ought to heed the counsel of Chairman Vento, a known advocate of heritage areas, and block these second and third bites of the apple.

The Democrats made a supposed gesture of responsibility by cutting the original H.R. 1483 request for additional funds from \$10 million to \$5 million per reauthorized heritage area. That would have been a \$45 million dollar savings over the bill as introduced. Unfortunately for taxpayers, the Democrats seized on the opportunity to pile on six new heritage areas and rename the monster the “Celebrating America’s Heritage Act.” This bill is indeed a celebration for those who will receive new heritage areas and the federal funds that accompany it. Those who will not celebrate are private property owners who may have an empowered, enriched, and Congressionally-blessed heritage area management entity to spar with. Congressman Rob Bishop offered a common sense amendment to allow property owners the opportunity to remove their land from the heritage area boundaries and require the management entity of a heritage area to obtain written consent from an owner before their property is conserved, preserved, or promoted. Democrats contend that the bill language offers protection because owners are not required to participate. They fail to mention that

property owners remain under the sphere of influence of the management entity because they are in the Congressionally designated boundaries. Predictably, Democrats turned their back on property rights and rejected the Bishop amendment.

Of the six new heritage areas in H.R. 1483 as reported, two have been shuttled through Committee by the Democrats. The Journey Through Hallowed Ground Heritage Area, was marked up on March 7, 2007, following a contentious meeting with the hope that concerns of Members whose districts will be in the proposed heritage area would be worked out. While efforts were made, agreements were not reached, but the Democrats pressed forward despite appeals from Congressman Roscoe Bartlett (MD-6) and Congressman Virgil Goode (VA-5) to remove their districts from the designation. This is a simple request and it is astonishing that such a request was belittled by the Democrats. At Mr. Goode and Mr. Bartlett's request, Congressman Dean Heller (NV-2) offered an amendment to remove those districts, but democrats rebuffed it, claiming that Mr. Goode and Bartlett should be satisfied with the language Democrats have written. Subcommittee Chairman Grijalva explained, "I think the protections are there for the constituents of my colleagues for them to opt in or opt out, and I think those protections suffice." We agree that those protections would suffice, but unfortunately they are not included in the Grijalva amendment, and as stated earlier democrats rejected opt out authority included in the Bishop amendment. Why would private property owners believe they will be able to "opt out" when two Members of Congress could not have their districts removed? We believe a Member's wish to be included in a Federal designation is an essential qualification to its creation. It is distressing that a federal designation, especially a controversial Heritage Area, which is typically billed as "voluntary," is being forced on two Congressional districts.

Title II, Subtitle B of the Grijalva ANS previously passed the Natural Resources Committee as H.R. 713. This Heritage Area is being quickly advanced while lacking the same private property rights protection that was provided to the previous twelve established heritage areas. Additionally, this heritage area lacks local support in the form of a management entity responsible for its operation. In its place, the Secretary of the Interior will establish a top down commission and control the Heritage Area. We understand the proponents of this legislation hope this Heritage Area will play a role in the economic redevelopment of the Niagara Falls region. A casino is at the heart of the economic redevelopment plan that this bill is designed to promote. This raises the question: What role will the National Heritage Area play in the promotion of the casino? We believe advocacy of gaming should never be part of legislation to establish heritage areas. If the heritage area is to play an integral role in the redevelopment plans of the Niagara Falls region, and the center of that plan is the casino, Congress must create a firewall between the heritage area and gaming. Congressman Rob Bishop offered an amendment to delineate those interests and to our astonishment, the Majority voted in a straight party line that such separation was unnecessary. We hope the Majority ex-

tends the courtesy of investigating these issues before further rail-roading this bill.

Some of these troubling issues may have been resolved had regular order been followed. Despite Chairman Rahall's insistence on February 7, 2007, in a full Committee meeting, that regular order would be followed, only one of the ANS subtitles has gone through regular order with a hearing and subcommittee markup. We are perplexed as to why National Parks, Recreation, Forests and Public Lands Chairman Grijalva's subcommittee is consistently bypassed despite the other subcommittees' work to follow regular order. We have found that this rush to move legislation results in an inferior work product. For example, the Grijalva ANS establishes the Muscle Shoals National Heritage Area. The feasibility study for this potential heritage area has yet to be completed. Clearly, it would be shortsighted and irresponsible to establish this heritage area and write it a \$15 million check when the necessary preparation has not been completed. How often have we heard the Democrats and their allies in the environmental movement complain that land use decisions are sometimes made before lengthy studies are completed to their satisfaction? Evidently, if a federal designation is something Democrats and environmentalists favor, no serious study is needed. When it is something they oppose, no study can be long enough, expensive enough, onerous enough, or litigated enough to satisfy them. It is far beyond the time to "let the subcommittees do their work" as Chairman Rahall asserted.

In conclusion, while this bill is flawed, we look forward to finding reasonable compromises on the Floor of the House under an open rule where a fair and open debate may occur.

ROB BISHOP.
 CATHY McMORRIS RODGERS.
 DEAN HELLER.
 ELTON GALLEGLY.
 JEFF FLAKE.
 BILL SALI.
 BILL SHUSTER.
 KEVIN MCCARTHY.
 CHRIS CANNON.
 JOHN J. DUNCAN, Jr.
 MARY FALLIN.
 DON YOUNG.
 STEVAN PEARCE.