

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 211**

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**AMENDMENT**



***In the House of Representatives, U. S.,***

*October 7, (legislative day, October 6) 2004.*

*Resolved, That the bill from the Senate (S. 211) entitled “An Act to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes”, do pass with the following*

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***TITLE I—NORTHERN RIO***  
2 ***GRANDE NATIONAL HERIT-***  
3 ***AGE AREA***

4 ***SECTION 101. SHORT TITLE.***

5 *This Act may be cited as the “Northern Rio Grande*  
6 *National Heritage Area Act”.*

7 ***SEC. 102. CONGRESSIONAL FINDINGS.***

8 *The Congress finds that—*

9 *(1) northern New Mexico encompasses a mosaic*  
10 *of cultures and history, including eight Pueblos and*  
11 *the descendants of Spanish ancestors who settled in*  
12 *the area in 1598;*

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

4           (3) *the area includes spectacular natural, scenic,*  
5 *and recreational resources;*

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

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

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

22 **SEC. 103. DEFINITIONS.**

23 *As used in this Act—*

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

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

3 **SEC. 104. NORTHERN RIO GRANDE NATIONAL HERITAGE**  
 4           **AREA.**

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

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

10          (c) *MANAGEMENT ENTITY.—*

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

15           (2) *The Board of Directors for the management*  
 16 *entity shall include representatives of the State of*  
 17 *New Mexico, the counties of Santa Fe, Rio Arriba*  
 18 *and Taos, tribes and pueblos within the heritage area,*  
 19 *the cities of Santa Fe, Espanola and Taos, and mem-*  
 20 *bers of the general public. The total number of Board*  
 21 *members and the number of Directors representing*  
 22 *State, local and tribal governments and interested*  
 23 *communities shall be established to ensure that all*  
 24 *parties have appropriate representation on the Board.*

1 **SEC. 105. AUTHORITY AND DUTIES OF THE MANAGEMENT**  
2 **ENTITY.**

3 (a) *MANAGEMENT PLAN.*—

4 (1) *Not later than 3 years after the date of enact-*  
5 *ment of this Act, the management entity shall develop*  
6 *and forward to the Secretary a management plan for*  
7 *the heritage area.*

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

13 (3) *The management plan shall, at a*  
14 *minimum—*

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

18 (B) *identify sources of funding;*

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

22 (D) *provide recommendations for edu-*  
23 *cational and interpretive programs to inform the*  
24 *public about the resources of the heritage area;*  
25 *and*

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

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

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

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

21          (b) *AUTHORITY.*—The management entity may make  
22          grants and provide technical assistance to tribal and local  
23          governments, and other public and private entities to carry  
24          out the management plan.

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

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

3           (2) *encourage by appropriate means economic*  
4 *viability in the heritage area consistent with the goals*  
5 *of the management plan; and*

6           (3) *assist local and tribal governments and non-*  
7 *profit organizations in—*

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

10                (B) *developing recreational resources in the*  
11 *heritage area;*

12                (C) *increasing public awareness of, and ap-*  
13 *preciation for, the cultural, historical, archae-*  
14 *ological and natural resources and sits in the*  
15 *heritage area;*

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

18                (E) *carrying out other actions that the*  
19 *management entity determines appropriate to*  
20 *fulfill the purposes of this Act, consistent with*  
21 *the management plan.*

22           (d) *PROHIBITION ON ACQUIRING REAL PROPERTY.—*  
23 *The management entity may not use Federal funds received*  
24 *under this Act to acquire real property or an interest in*  
25 *real property.*



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

4       (f) *ANNUAL REPORTS AND AUDITS.*—

5           (1) *For any year in which the management enti-*  
6 *ty receives Federal funds under this Act, the manage-*  
7 *ment entity shall submit an annual report to the Sec-*  
8 *retary setting forth accomplishments, expenses and*  
9 *income, and each entity to which any grant was*  
10 *made by the management entity.*

11           (2) *The management entity shall make available*  
12 *to the Secretary for audit all records relating to the*  
13 *expenditure of Federal funds and any matching*  
14 *funds. The management entity shall also require, for*  
15 *all agreements authorizing expenditure of Federal*  
16 *funds by other organizations, that the receiving orga-*  
17 *nization make available to the Secretary for audit all*  
18 *records concerning the expenditure of those funds.*

19 **SEC. 106. DUTIES OF THE SECRETARY.**

20       (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—*The*  
21 *Secretary may, upon request of the management entity,*  
22 *provide technical and financial assistance to develop and*  
23 *implement the management plan.*

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

4           (1) *the conservation of the significant natural,*  
 5 *cultural, historical, archaeological, scenic, and rec-*  
 6 *reational resources of the heritage area; and*

7           (2) *the provision of educational, interpretive,*  
 8 *and recreational opportunities consistent with the re-*  
 9 *sources and associated values of the heritage area.*

10 **SEC. 107. PRIVATE PROPERTY PROTECTIONS; SAVINGS PRO-**  
 11 **VISIONS.**

12       (a) *PRIVATE PROPERTY PROTECTION.*—

13           (1) *NOTIFICATION AND CONSENT OF PROPERTY*  
 14 *OWNERS REQUIRED.*—*No privately owned property*  
 15 *shall be preserved, conserved, or promoted by the*  
 16 *management plan for the Heritage Area until the*  
 17 *owner of that private property has been notified in*  
 18 *writing by the management entity and has given*  
 19 *written consent for such preservation, conservation or*  
 20 *promotion to the management entity.*

21           (2) *LANDOWNER WITHDRAWAL.*—*Any owner of*  
 22 *private property included within the boundary of the*  
 23 *heritage area, shall have their property immediately*  
 24 *removed from within the boundary by submitting a*  
 25 *written request to the management entity.*

1           (3) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in*  
2 *this Act shall be construed to require any private*  
3 *property owner to permit public access (including*  
4 *Federal, State, or local government access) to such*  
5 *private property. Nothing in this Act shall be con-*  
6 *strued to modify any provision of Federal, State, or*  
7 *local law with regard to public access to or use of pri-*  
8 *vate lands.*

9           (4) *LIABILITY.*—*Designation of the heritage area*  
10 *shall not be considered to create any liability, or to*  
11 *have any effect on any liability under any other law,*  
12 *of any private property owner with respect to any*  
13 *persons injured on such private property.*

14           (5) *RECOGNITION OF AUTHORITY TO CONTROL*  
15 *LAND USE.*—*Nothing in this Act shall be construed to*  
16 *modify any authority of Federal, State, or local gov-*  
17 *ernments to regulate land use.*

18           (6) *PARTICIPATION OF PRIVATE PROPERTY OWN-*  
19 *ERS IN HERITAGE AREA.*—*Nothing in this Act shall*  
20 *be construed to require the owner of any private prop-*  
21 *erty located within the boundaries of the heritage area*  
22 *to participate in or be associated with the heritage*  
23 *area.*

24           (b) *EFFECT OF ESTABLISHMENT.*—*The boundaries*  
25 *designated for the heritage area represent the area within*

1 *which Federal funds appropriated for the purpose of this*  
2 *Act shall be expended. The establishment of the heritage area*  
3 *and its boundaries shall not be construed to provide any*  
4 *nonexisting regulatory authority on land use within the*  
5 *heritage area or its viewshed by the Secretary, the National*  
6 *Park Service, or the management entity.*

7 (c) *TRIBAL LANDS.*—*Nothing in this Act shall restrict*  
8 *or limit a tribe from protecting cultural or religious sites*  
9 *on tribal lands.*

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

14 **SEC. 108. SUNSET.**

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

18 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

3     **SEC. 201. SHORT TITLE.**

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

6     **SEC. 202. FINDINGS AND PURPOSE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11          (15) *The National Aviation Heritage Area would*  
12          *complement and enhance the aviation-related re-*  
13          *sources within the National Park Service, especially*  
14          *the Dayton Aviation Heritage National Historical*  
15          *Park, Ohio.*

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

18                 (1) *encourage and facilitate collaboration among*  
19                 *the facilities, sites, organizations, governmental enti-*  
20                 *ties, and educational institutions within the Heritage*  
21                 *Area to promote heritage tourism and to develop edu-*  
22                 *cational and cultural programs for the public;*

23                 (2) *preserve and interpret for the educational*  
24                 *and inspirational benefit of present and future gen-*  
25                 *erations the unique and significant contributions to*



1        *our national heritage of certain historic and cultural*  
2        *lands, structures, facilities, and sites within the Na-*  
3        *tional Aviation Heritage Area;*

4                *(3) encourage within the National Aviation Her-*  
5        *itage Area a broad range of economic opportunities*  
6        *enhancing the quality of life for present and future*  
7        *generations;*

8                *(4) provide a management framework to assist*  
9        *the State of Ohio, its political subdivisions, other*  
10        *areas, and private organizations, or combinations*  
11        *thereof, in preparing and implementing an integrated*  
12        *Management Plan to conserve their aviation heritage*  
13        *and in developing policies and programs that will*  
14        *preserve, enhance, and interpret the cultural, histor-*  
15        *ical, natural, recreation, and scenic resources of the*  
16        *Heritage Area; and*

17                *(5) authorize the Secretary to provide financial*  
18        *and technical assistance to the State of Ohio, its po-*  
19        *litical subdivisions, and private organizations, or*  
20        *combinations thereof, in preparing and implementing*  
21        *the private Management Plan.*

22        **SEC. 203. DEFINITIONS.**

23        *For purposes of this title:*

24                *(1) BOARD.—The term “Board” means the*  
25        *Board of Directors of the Foundation.*

1           (2) *FINANCIAL ASSISTANCE.*—*The term “financial*  
2 *assistance” means funds appropriated by Con-*  
3 *gress and made available to the management entity*  
4 *for the purpose of preparing and implementing the*  
5 *Management Plan.*

6           (3) *HERITAGE AREA.*—*The term “Heritage*  
7 *Area” means the National Aviation Heritage Area es-*  
8 *tablished by section 104 to receive, distribute, and ac-*  
9 *count for Federal funds appropriated for the purpose*  
10 *of this title.*

11           (4) *MANAGEMENT PLAN.*—*The term “Manage-*  
12 *ment Plan” means the management plan for the Her-*  
13 *itage Area developed under section 106.*

14           (5) *MANAGEMENT ENTITY.*—*The term “manage-*  
15 *ment entity” means the Aviation Heritage Founda-*  
16 *tion, Incorporated (a nonprofit corporation estab-*  
17 *lished under the laws of the State of Ohio).*

18           (6) *PARTNER.*—*The term “partner” means a*  
19 *Federal, State, or local governmental entity, organi-*  
20 *zation, private industry, educational institution, or*  
21 *individual involved in promoting the conservation*  
22 *and preservation of the cultural and natural resources*  
23 *of the Heritage Area.*

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

1           (8) *TECHNICAL ASSISTANCE.*—*The term “tech-*  
2           *nical assistance” means any guidance, advice, help,*  
3           *or aid, other than financial assistance, provided by*  
4           *the Secretary.*

5 **SEC. 204. NATIONAL AVIATION HERITAGE AREA.**

6           (a) *ESTABLISHMENT.*—*There is established in the*  
7           *States of Ohio and Indiana, the National Aviation Heritage*  
8           *Area.*

9           (b) *BOUNDARIES.*—*The Heritage Area shall include*  
10          *the following:*

11           (1) *A core area consisting of resources in Mont-*  
12          *gomery, Greene, Warren, Miami, Clark, Champaign,*  
13          *Shelby, and Auglaize Counties in Ohio.*

14           (2) *The Neil Armstrong Air & Space Museum,*  
15          *Wapakoneta, Ohio.*

16           (3) *Sites, buildings, and districts within the core*  
17          *area recommended by the Management Plan.*

18           (c) *MAP.*—*A map of the Heritage Area shall be in-*  
19          *cluded in the Management Plan. The map shall be on file*  
20          *in the appropriate offices of the National Park Service, De-*  
21          *partment of the Interior.*

22           (d) *MANAGEMENT ENTITY.*—*The management entity*  
23          *for the Heritage Area shall be the Aviation Heritage Foun-*  
24          *dation.*

1 **SEC. 205. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
2 **ENTITY.**

3 (a) *AUTHORITIES.*—*For purposes of implementing the*  
4 *Management Plan, the management entity may use Federal*  
5 *funds made available through this title to—*

6 (1) *make grants to, and enter into cooperative*  
7 *agreements with, the State of Ohio and political sub-*  
8 *divisions of that State, private organizations, or any*  
9 *person;*

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

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

12 (b) *DUTIES.*—*The management entity shall—*

13 (1) *develop and submit to the Secretary for ap-*  
14 *proval the proposed Management Plan in accordance*  
15 *with section 106;*

16 (2) *give priority to implementing actions set*  
17 *forth in the Management Plan, including taking steps*  
18 *to assist units of government and nonprofit organiza-*  
19 *tions in preserving resources within the Heritage*  
20 *Area;*

21 (3) *consider the interests of diverse governmental,*  
22 *business, and nonprofit groups within the Heritage*  
23 *Area in developing and implementing the Manage-*  
24 *ment Plan;*

25 (4) *maintain a collaboration among the partners*  
26 *to promote heritage tourism and to assist partners to*

1        *develop educational and cultural programs for the*  
2        *public;*

3            *(5) encourage economic viability in the Heritage*  
4        *Area consistent with the goals of the Management*  
5        *Plan;*

6            *(6) assist units of government and nonprofit or-*  
7        *ganizations in—*

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

10           *(B) developing recreational resources in the*  
11        *Heritage Area;*

12           *(C) increasing public awareness of and ap-*  
13        *preciation for the historical, natural, and archi-*  
14        *tectural resources and sites in the Heritage Area;*  
15        *and*

16           *(D) restoring historic buildings that relate*  
17        *to the purposes of the Heritage Area;*

18           *(7) conduct public meetings at least quarterly re-*  
19        *garding the implementation of the Management Plan;*

20           *(8) submit substantial amendments to the Man-*  
21        *agement Plan to the Secretary for the approval of the*  
22        *Secretary; and*

23           *(9) for any year in which Federal funds have*  
24        *been received under this title—*

1           (A) submit an annual report to the Sec-  
2           retary that sets forth the accomplishments of the  
3           management entity and its expenses and income;

4           (B) make available to the Secretary for  
5           audit all records relating to the expenditure of  
6           such funds and any matching funds; and

7           (C) require, with respect to all agreements  
8           authorizing expenditure of Federal funds by  
9           other organizations, that the receiving organiza-  
10          tions make available to the Secretary for audit  
11          all records concerning the expenditure of such  
12          funds.

13          (c) *USE OF FEDERAL FUNDS.*—

14           (1) *IN GENERAL.*—The management entity shall  
15          not use Federal funds received under this title to ac-  
16          quire real property or an interest in real property.

17           (2) *OTHER SOURCES.*—Nothing in this title pre-  
18          cludes the management entity from using Federal  
19          funds from other sources for authorized purposes.

20          **SEC. 206. MANAGEMENT PLAN.**

21           (a) *PREPARATION OF PLAN.*—Not later than 3 years  
22          after the date of the enactment of this title, the management  
23          entity shall submit to the Secretary for approval a proposed  
24          Management Plan that shall take into consideration State

1 *and local plans and involve residents, public agencies, and*  
2 *private organizations in the Heritage Area.*

3 (b) *CONTENTS.—The Management Plan shall incor-*  
4 *porate an integrated and cooperative approach for the pro-*  
5 *tection, enhancement, and interpretation of the natural,*  
6 *cultural, historic, scenic, and recreational resources of the*  
7 *Heritage Area and shall include the following:*

8 (1) *An inventory of the resources contained in*  
9 *the core area of the Heritage Area, including the Day-*  
10 *ton Aviation Heritage Historical Park, the sites,*  
11 *buildings, and districts listed in section 202 of the*  
12 *Dayton Aviation Heritage Preservation Act of 1992*  
13 *(Public Law 102–419), and any other property in the*  
14 *Heritage Area that is related to the themes of the Her-*  
15 *itage Area and that should be preserved, restored,*  
16 *managed, or maintained because of its significance.*

17 (2) *An assessment of cultural landscapes within*  
18 *the Heritage Area.*

19 (3) *Provisions for the protection, interpretation,*  
20 *and enjoyment of the resources of the Heritage Area*  
21 *consistent with the purposes of this title.*

22 (4) *An interpretation plan for the Heritage*  
23 *Area.*

1           (5) *A program for implementation of the Man-*  
2           *agement Plan by the management entity, including*  
3           *the following:*

4                   (A) *Facilitating ongoing collaboration*  
5                   *among the partners to promote heritage tourism*  
6                   *and to develop educational and cultural pro-*  
7                   *grams for the public.*

8                   (B) *Assisting partners planning for restora-*  
9                   *tion and construction.*

10                  (C) *Specific commitments of the partners*  
11                  *for the first 5 years of operation.*

12           (6) *The identification of sources of funding for*  
13           *implementing the plan.*

14           (7) *A description and evaluation of the manage-*  
15           *ment entity, including its membership and organiza-*  
16           *tional structure.*

17           (c) *DISQUALIFICATION FROM FUNDING.—If a proposed*  
18           *Management Plan is not submitted to the Secretary within*  
19           *3 years of the date of the enactment of this title, the manage-*  
20           *ment entity shall be ineligible to receive additional funding*  
21           *under this title until the date on which the Secretary re-*  
22           *ceives the proposed Management Plan.*

23           (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
24           *PLAN.—The Secretary, in consultation with the State of*  
25           *Ohio, shall approve or disapprove the proposed Manage-*



1 *ment Plan submitted under this title not later than 90 days*  
2 *after receiving such proposed Management Plan.*

3 *(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*  
4 *retary disapproves a proposed Management Plan, the Sec-*  
5 *retary shall advise the management entity in writing of the*  
6 *reasons for the disapproval and shall make recommenda-*  
7 *tions for revisions to the proposed Management Plan. The*  
8 *Secretary shall approve or disapprove a proposed revision*  
9 *within 90 days after the date it is submitted.*

10 *(f) APPROVAL OF AMENDMENTS.—The Secretary shall*  
11 *review and approve substantial amendments to the Manage-*  
12 *ment Plan. Funds appropriated under this title may not*  
13 *be expended to implement any changes made by such*  
14 *amendment until the Secretary approves the amendment.*

15 **SEC. 207. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
16 **FEDERAL AGENCIES.**

17 *(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon*  
18 *the request of the management entity, the Secretary may*  
19 *provide technical assistance, on a reimbursable or non-*  
20 *reimbursable basis, and financial assistance to the Heritage*  
21 *Area to develop and implement the management plan. The*  
22 *Secretary is authorized to enter into cooperative agreements*  
23 *with the management entity and other public or private*  
24 *entities for this purpose. In assisting the Heritage Area,*

1 *the Secretary shall give priority to actions that in general*  
2 *assist in—*

3           (1) *conserving the significant natural, historic,*  
4 *cultural, and scenic resources of the Heritage Area;*  
5 *and*

6           (2) *providing educational, interpretive, and rec-*  
7 *reational opportunities consistent with the purposes of*  
8 *the Heritage Area.*

9           (b) *DUTIES OF OTHER FEDERAL AGENCIES.—Any*  
10 *Federal agency conducting or supporting activities directly*  
11 *affecting the Heritage Area shall—*

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

14           (2) *cooperate with the Secretary and the man-*  
15 *agement entity in carrying out their duties under this*  
16 *title;*

17           (3) *to the maximum extent practicable, coordi-*  
18 *nate such activities with the carrying out of such du-*  
19 *ties; and*

20           (4) *to the maximum extent practicable, conduct*  
21 *or support such activities in a manner which the*  
22 *management entity determines will not have an ad-*  
23 *verse effect on the Heritage Area.*

1 **SEC. 208. COORDINATION BETWEEN THE SECRETARY AND**  
2 **THE SECRETARY OF DEFENSE AND THE AD-**  
3 **MINISTRATOR OF NASA.**

4 *The decisions concerning the execution of this title as*  
5 *it applies to properties under the control of the Secretary*  
6 *of Defense and the Administrator of the National Aero-*  
7 *nautics and Space Administration shall be made by such*  
8 *Secretary or such Administrator, in consultation with the*  
9 *Secretary of the Interior.*

10 **SEC. 209. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
11 **PROPERTY.**

12 *(a) NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
13 *ERS REQUIRED.—No privately owned property shall be pre-*  
14 *served, conserved, or promoted by the management plan for*  
15 *the Heritage Area until the owner of that private property*  
16 *has been notified in writing by the management entity and*  
17 *has given written consent for such preservation, conserva-*  
18 *tion, or promotion to the management entity.*

19 *(b) LANDOWNER WITHDRAW.—Any owner of private*  
20 *property included within the boundary of the Heritage Area*  
21 *shall have their property immediately removed from the*  
22 *boundary by submitting a written request to the manage-*  
23 *ment entity.*

24 **SEC. 210. PRIVATE PROPERTY PROTECTION.**

25 *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*  
26 *title shall be construed to—*

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

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

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

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

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

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

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

4 **SEC. 211. AUTHORIZATION OF APPROPRIATIONS.**

5 *(a) IN GENERAL.—To carry out this title there is au-*  
 6 *thorized to be appropriated \$10,000,000, except that not*  
 7 *more than \$1,000,000 may be appropriated to carry out*  
 8 *this title for any fiscal year.*

9 *(b) FIFTY PERCENT MATCH.—The Federal share of the*  
 10 *cost of activities carried out using any assistance or grant*  
 11 *under this title shall not exceed 50 percent.*

12 **SEC. 212. SUNSET PROVISION.**

13 *The authority of the Secretary to provide assistance*  
 14 *under this title terminates on the date that is 15 years after*  
 15 *the date that funds are first made available for this title.*

16 **TITLE III—WRIGHT COMPANY**  
 17 **FACTORY STUDY**

18 **SEC. 301. STUDY AND REPORT.**

19 *(a) STUDY.—*

20 *(1) IN GENERAL.—The Secretary shall conduct a*  
 21 *special resource study updating the study required*  
 22 *under section 104 of the Dayton Aviation Heritage*  
 23 *Preservation Act of 1992 (Public Law 102–419) and*  
 24 *detailing alternatives for incorporating the Wright*

1        *Company factory as a unit of Dayton Aviation Her-*  
 2        *itage National Historical Park.*

3            (2) *CONTENTS.—The study shall include an*  
 4        *analysis of alternatives for including the Wright*  
 5        *Company factory as a unit of Dayton Aviation Her-*  
 6        *itage National Historical Park that detail manage-*  
 7        *ment and development options and costs.*

8            (3) *CONSULTATION.—In conducting the study,*  
 9        *the Secretary shall consult with the Delphi Corpora-*  
 10       *tion, the Aviation Heritage Foundation, State and*  
 11       *local agencies, and other interested parties in the*  
 12       *area.*

13          (b) *REPORT.—Not later than 3 years after funds are*  
 14       *first made available for this section, the Secretary shall sub-*  
 15       *mit to the Committee on Resources of the House of Rep-*  
 16       *resentatives and the Committee on Energy and Natural Re-*  
 17       *sources of the Senate a report describing the results of the*  
 18       *study conducted under this section.*

19            **TITLE IV—STEEL INDUSTRY**  
 20            **NATIONAL HISTORIC SITE**

21        **SEC. 401. SHORT TITLE.**

22            *This title may be cited as the “Steel Industry National*  
 23        *Historic Site Act”.*

24        **SEC. 402. FINDINGS AND PURPOSES.**

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



1       **(b) DESCRIPTION.—**

2               **(1) INCLUSION OF CERTAIN PROPERTY.—***Subject*  
3       *to paragraph (2), the historic site shall consist of the*  
4       *following properties, each of which relate to the*  
5       *former United States Steel Homestead Works, as de-*  
6       *scribed on the map entitled “Steel Industry National*  
7       *Historic Site”, dated November 2003, and numbered*  
8       *80,000:*

9               **(A)** *The historic location of the Battle of*  
10       *Homestead site in the borough of Munhall, Penn-*  
11       *sylvania, consisting of approximately 3 acres of*  
12       *land, including the pumphouse and water tower*  
13       *and related structures, within the property*  
14       *bounded by the Monongahela River, the CSX*  
15       *railroad, Waterfront Drive, and the Damascus-*  
16       *Marcegaglia Steel Mill.*

17               **(B)** *The historic location of the Carrie Fur-*  
18       *nace complex in the boroughs of Swissvale and*  
19       *Rankin, Pennsylvania, consisting of approxi-*  
20       *mately 35 acres of land, including blast furnaces*  
21       *6 and 7, the ore yard, the cast house, the blowing*  
22       *engine house, the AC power house, and related*  
23       *structures, within the property bounded by the*  
24       *proposed southwesterly right-of-way line needed*  
25       *to accommodate the Mon/Fayette Expressway*



1           *and the relocated CSX railroad right-of-way, the*  
2           *Monongahela River, and a property line drawn*  
3           *northeast to southwest approximately 100 yards*  
4           *east of the AC power house.*

5           *(C) The historic location of the Hot Metal*  
6           *Bridge, consisting of the Union railroad bridge*  
7           *and its approaches, spanning the Monongahela*  
8           *River and connecting the mill sites in the bor-*  
9           *oughs of Rankin and Munhall, Pennsylvania.*

10          (2) *AVAILABILITY OF MAP.*—*The map referred to*  
11          *in paragraph (1) shall be available for public inspec-*  
12          *tion in an appropriate office of the National Park*  
13          *Service.*

14          (c) *ACQUISITION OF PROPERTY.*—*To further the pur-*  
15          *poses of this section, the Secretary of the Interior may ac-*  
16          *quire, only by donation, property for inclusion in the his-*  
17          *toric site as follows:*

18               (1) *Any land or interest in land with respect to*  
19               *the property identified in subsection (b)(1).*

20               (2) *Up to 10 acres of land adjacent to or in the*  
21               *general proximity of the property identified in such*  
22               *subsection, for the development of visitor, administra-*  
23               *tive, museum, curatorial, and maintenance facilities.*

24               (3) *Personal property associated with, and ap-*  
25               *propriate for, the interpretation of the historic site.*

1       (d) *PRIVATE PROPERTY PROTECTIONS.*—*Nothing in*  
2 *this title shall be construed—*

3             (1) *to require any private property owner to per-*  
4 *mit public access (including Federal, State, or local*  
5 *government access) to the private property; or*

6             (2) *to modify any provision of Federal, State, or*  
7 *local law with regard to public access to or use of pri-*  
8 *vate property.*

9       (e) *ADMINISTRATION.*—*The Secretary of the Interior*  
10 *shall administer the historic site in accordance with this*  
11 *title and the provisions of law generally applicable to units*  
12 *of the National Park System, including the Act of August*  
13 *25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21,*  
14 *1935 (16 U.S.C. 461 et seq.).*

15       (f) *COOPERATIVE AGREEMENTS.*—

16             (1) *IN GENERAL.*—*Until such time as the Sec-*  
17 *retary of the Interior has acquired the property iden-*  
18 *tified in subsection (b)(1), as depicted on the map re-*  
19 *ferred to in such subsection, the Secretary may enter*  
20 *into a cooperative agreement with any interested in-*  
21 *dividual, public or private agency, organization, or*  
22 *institution to further the purposes of the historic site.*

23             (2) *CONTRARY PURPOSES.*—*Any payment made*  
24 *by the Secretary pursuant to a cooperative agreement*  
25 *under this subsection shall be subject to an agreement*

1        *that conversion, use, or disposal of the project so as-*  
2        *sisted for purposes contrary to the purpose of the his-*  
3        *toric site, as determined by the Secretary, shall result*  
4        *in a right of the United States to reimbursement of*  
5        *all funds made available to such a project or the pro-*  
6        *portion of the increased value of the project attrib-*  
7        *utable to such funds as determined at the time of such*  
8        *conversion, use, or disposal, whichever is greater.*

9        *(g) TECHNICAL ASSISTANCE.—The Secretary of the In-*  
10       *terior may provide technical assistance to any person for—*

11            *(1) the preservation of historic structures within*  
12        *the historic site; and*

13            *(2) the maintenance of the natural and cultural*  
14        *landscape of the historic site.*

15        *(h) GENERAL MANAGEMENT PLAN.—*

16            *(1) PREPARATION.—Not later than three years*  
17        *after the date on which funds are first made available*  
18        *to carry out this title, the Secretary of the Interior*  
19        *shall prepare a general management plan for the his-*  
20        *toric site that will incorporate or otherwise address*  
21        *substantive comments made during the consultation*  
22        *required by paragraph (2).*

23            *(2) CONSULTATION.—The Secretary shall pre-*  
24        *pare the general management plan in consultation*  
25        *with—*

1           (A) an appropriate official of each appro-  
 2           priate political subdivision of the Commonwealth  
 3           of Pennsylvania that has jurisdiction over all or  
 4           a portion of the lands included in the historic  
 5           site;

6           (B) an appropriate official of the Steel In-  
 7           dustry Heritage Corporation; and

8           (C) private property owners in the vicinity  
 9           of the historic site.

10          (3) *SUBMISSION OF PLAN TO CONGRESS.*—Upon  
 11          the completion of the general management plan, the  
 12          Secretary shall submit a copy of the plan to the Com-  
 13          mittee on Energy and Natural Resources of the Sen-  
 14          ate and the Committee on Resources of the House of  
 15          Representatives.

16 **SEC. 404. AUTHORIZATION OF APPROPRIATIONS.**

17          There is authorized to be appropriated for the purposes  
 18          of this title \$25,000,000.

19          **TITLE V—ST. CROIX NATIONAL**  
 20          **HERITAGE AREA STUDY**

21 **SEC. 501. ST. CROIX NATIONAL HERITAGE AREA STUDY.**

22          (a) *SHORT TITLE.*—This section may be cited as the  
 23          “St. Croix National Heritage Area Study Act”.

24          (b) *STUDY.*—The Secretary of the Interior, in con-  
 25          sultation with appropriate State historic preservation offi-

1 *cers, States historical societies, and other appropriate orga-*  
2 *nizations, shall conduct a study regarding the suitability*  
3 *and feasibility of designating the island of St. Croix as the*  
4 *St. Croix National Heritage Area. The study shall include*  
5 *analysis, documentation, and determination regarding*  
6 *whether the island of St. Croix—*

7           (1) *has an assemblage of natural, historic, and*  
8 *cultural resources that together represent distinctive*  
9 *aspects of American heritage worthy of recognition,*  
10 *conservation, interpretation, and continuing use, and*  
11 *are best managed through partnerships among public*  
12 *and private entities and by combining diverse and*  
13 *sometimes noncontiguous resources and active com-*  
14 *munities;*

15           (2) *provides outstanding opportunities to con-*  
16 *serve natural, historic, cultural, or scenic features;*

17           (3) *provides outstanding recreational and edu-*  
18 *cational opportunities;*

19           (4) *contains resources important to the identified*  
20 *theme or themes of the island of St. Croix that retain*  
21 *a degree of integrity capable of supporting interpreta-*  
22 *tion;*

23           (5) *includes residents, business interests, non-*  
24 *profit organizations, and local and State governments*  
25 *that are involved in the planning, have developed a*

1       *conceptual financial plan that outlines the roles of all*  
2       *participants (including the Federal Government), and*  
3       *have demonstrated support for the concept of a na-*  
4       *tional heritage area;*

5               *(6) has a potential management entity to work*  
6       *in partnership with residents, business interests, non-*  
7       *profit organizations, and local and State governments*  
8       *to develop a national heritage area consistent with*  
9       *continued local and State economic activity; and*

10              *(7) has a conceptual boundary map that is sup-*  
11       *ported by the public.*

12       *(c) PRIVATE PROPERTY.—In conducting the study re-*  
13       *quired by this section, the Secretary of the Interior shall*  
14       *analyze the potential impact that designation of the area*  
15       *as a national heritage area is likely to have on land within*  
16       *the proposed area or bordering the proposed area that is*  
17       *privately owned at the time that the study is conducted.*

18       *(d) REPORT.—Not later than 3 fiscal years after the*  
19       *date on which funds are first made available for this sec-*  
20       *tion, the Secretary of the Interior shall submit to the Com-*  
21       *mittee on Resources of the House of Representatives and the*  
22       *Committee on Energy and Natural Resources of the Senate*  
23       *a report on the findings, conclusions, and recommendations*  
24       *as the Secretary deems appropriate.*

1     **TITLE VI—ARABIA MOUNTAIN**  
2     **NATIONAL HERITAGE AREA**

3     **SEC. 601. SHORT TITLE.**

4         *This title may be cited as the “Arabia Mountain Na-*  
5     *tional Heritage Area Act”.*

6     **SEC. 602. FINDINGS AND PURPOSES.**

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

8             *(1) The Arabia Mountain area contains a vari-*  
9     *ety of natural, cultural, historical, scenic, and rec-*  
10    *reational resources that together represent distinctive*  
11    *aspects of the heritage of the United States that are*  
12    *worthy of recognition, conservation, interpretation,*  
13    *and continuing use.*

14            *(2) The best methods for managing the resources*  
15    *of the Arabia Mountain area would be through part-*  
16    *nerships between public and private entities that com-*  
17    *bine diverse resources and active communities.*

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

20                *(A) protects granite outcrop ecosystems,*  
21                *wetland, and pine and oak forests; and*

22                *(B) includes federally-protected plant spe-*  
23                *cies.*

24            *(4) Panola Mountain, a national natural land-*  
25    *mark, located in the 860-acre Panola Mountain State*

1        *Conservation Park, is a rare example of a pristine*  
2        *granite outcrop.*

3            (5) *The archaeological site at Miners Creek Pre-*  
4        *serve along the South River contains documented evi-*  
5        *dence of early human activity.*

6            (6) *The city of Lithonia, Georgia, and related*  
7        *sites of Arabia Mountain and Stone Mountain possess*  
8        *sites that display the history of granite mining as an*  
9        *industry and culture in Georgia, and the impact of*  
10       *that industry on the United States.*

11           (7) *The community of Klondike is eligible for*  
12       *designation as a National Historic District.*

13           (8) *The city of Lithonia has 2 structures listed*  
14       *on the National Register of Historic Places.*

15        (b) *PURPOSES.—The purposes of this title are as fol-*  
16       *lows:*

17           (1) *To recognize, preserve, promote, interpret,*  
18       *and make available for the benefit of the public the*  
19       *natural, cultural, historical, scenic, and recreational*  
20       *resources in the area that includes Arabia Mountain,*  
21       *Panola Mountain, Miners Creek, and other signifi-*  
22       *cant sites and communities.*

23           (2) *To assist the State of Georgia and the coun-*  
24       *ties of DeKalb, Rockdale, and Henry in the State in*  
25       *developing and implementing an integrated cultural,*



1 *historical, and land resource management program to*  
2 *protect, enhance, and interpret the significant re-*  
3 *sources within the heritage area.*

4 **SEC. 603. DEFINITIONS.**

5 *For the purposes of this title, the following definitions*  
6 *apply:*

7 (1) *HERITAGE AREA.*—*The term “heritage area”*  
8 *means the Arabia Mountain National Heritage Area*  
9 *established by section 504.*

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

14 (3) *MANAGEMENT PLAN.*—*The term “manage-*  
15 *ment plan” means the management plan for the her-*  
16 *itage area developed under section 506.*

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

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

21 **SEC. 604. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

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

24 (b) *BOUNDARIES.*—*The heritage area shall consist of*  
25 *certain parcels of land in the counties of DeKalb, Rockdale,*

1 *and Henry in the State, as generally depicted on the map*  
 2 *entitled “Arabia Mountain National Heritage Area”, num-*  
 3 *bered AMNHA/80,000, and dated October, 2003.*

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

7 (d) *MANAGEMENT ENTITY.—The Arabia Mountain*  
 8 *Heritage Area Alliance shall be the management entity for*  
 9 *the heritage area.*

10 **SEC. 605. AUTHORITIES AND DUTIES OF THE MANAGEMENT**  
 11 **ENTITY.**

12 (a) *AUTHORITIES.—For purposes of developing and*  
 13 *implementing the management plan, the management enti-*  
 14 *ty may—*

15 (1) *make grants to, and enter into cooperative*  
 16 *agreements with, the State, political subdivisions of*  
 17 *the State, and private organizations;*

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

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

20 (b) *DUTIES.—*

21 (1) *MANAGEMENT PLAN.—*

22 (A) *IN GENERAL.—The management entity*  
 23 *shall develop and submit to the Secretary the*  
 24 *management plan.*

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

6           (2) *PRIORITIES.*—*The management entity shall*  
7           *give priority to implementing actions described in the*  
8           *management plan, including assisting units of gov-*  
9           *ernment and nonprofit organizations in preserving*  
10          *resources within the heritage area.*

11          (3) *PUBLIC MEETINGS.*—*The management entity*  
12          *shall conduct public meetings at least quarterly on the*  
13          *implementation of the management plan.*

14          (4) *ANNUAL REPORT.*—*For any year in which*  
15          *Federal funds have been made available under this*  
16          *title, the management entity shall submit to the Sec-*  
17          *retary an annual report that describes the following:*

18                 (A) *The accomplishments of the manage-*  
19                 *ment entity.*

20                 (B) *The expenses and income of the man-*  
21                 *agement entity.*

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

23                 (A) *make available to the Secretary for*  
24                 *audit all records relating to the expenditure of*  
25                 *Federal funds and any matching funds; and*

1           (B) require, with respect to all agreements  
2           authorizing expenditure of Federal funds by  
3           other organizations, that the receiving organiza-  
4           tions make available to the Secretary for audit  
5           all records concerning the expenditure of those  
6           funds.

7           (c) *USE OF FEDERAL FUNDS.*—

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

12          (2) *OTHER SOURCES.*—Nothing in this title pre-  
13          cludes the management entity from using Federal  
14          funds made available under other Federal laws for  
15          any purpose for which the funds are authorized to be  
16          used.

17       **SEC. 606. MANAGEMENT PLAN.**

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

23          (b) *BASIS.*—The management plan shall be based on  
24          the preferred concept in the document entitled “Arabia

1 *Mountain National Heritage Area Feasibility Study*’,  
2 *dated February 28, 2001.*

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

5 (1) *take into consideration State and local plans;*  
6 *and*

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

9 (d) *REQUIREMENTS.—The management plan shall in-*  
10 *clude the following:*

11 (1) *An inventory of the resources in the heritage*  
12 *area, including—*

13 (A) *a list of property in the heritage area*  
14 *that—*

15 (i) *relates to the purposes of the herit-*  
16 *age area; and*

17 (ii) *should be preserved, restored, man-*  
18 *aged, or maintained because of the signifi-*  
19 *cance of the property; and*

20 (B) *an assessment of cultural landscapes*  
21 *within the heritage area.*

22 (2) *Provisions for the protection, interpretation,*  
23 *and enjoyment of the resources of the heritage area*  
24 *consistent with the purposes of this title.*

25 (3) *An interpretation plan for the heritage area.*

1           (4) *A program for implementation of the man-*  
2 *agement plan that includes—*

3                 (A) *actions to be carried out by units of*  
4 *government, private organizations, and public-*  
5 *private partnerships to protect the resources of*  
6 *the heritage area; and*

7                 (B) *the identification of existing and poten-*  
8 *tial sources of funding for implementing the*  
9 *plan.*

10           (5) *A description and evaluation of the manage-*  
11 *ment entity, including the membership and organiza-*  
12 *tional structure of the management entity.*

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

14                 (1) *IN GENERAL.—Not later than 3 years after*  
15 *the date of the enactment of this Act, the management*  
16 *entity shall submit the management plan to the Sec-*  
17 *retary for approval.*

18                 (2) *EFFECT OF FAILURE TO SUBMIT.—If a man-*  
19 *agement plan is not submitted to the Secretary by the*  
20 *date specified in paragraph (1), the Secretary shall*  
21 *not provide any additional funding under this title*  
22 *until such date as a management plan for the herit-*  
23 *age area is submitted to the Secretary.*

24           (f) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
25 *PLAN.—*

1           (1) *IN GENERAL.*—Not later than 90 days after  
2 receiving the management plan submitted under sub-  
3 section (e), the Secretary, in consultation with the  
4 State, shall approve or disapprove the management  
5 plan.

6           (2) *ACTION FOLLOWING DISAPPROVAL.*—

7           (A) *REVISION.*—If the Secretary dis-  
8 approves a management plan submitted under  
9 paragraph (1), the Secretary shall—

10                   (i) advise the management entity in  
11 writing of the reasons for the disapproval;

12                   (ii) make recommendations for revi-  
13 sions to the management plan; and

14                   (iii) allow the management entity to  
15 submit to the Secretary revisions to the  
16 management plan.

17           (B) *DEADLINE FOR APPROVAL OF REVI-*  
18 *SION.*—Not later than 90 days after the date on  
19 which a revision is submitted under subpara-  
20 graph (A)(iii), the Secretary shall approve or  
21 disapprove the revision.

22           (g) *REVISION OF MANAGEMENT PLAN.*—

23           (1) *IN GENERAL.*—After approval by the Sec-  
24 retary of a management plan, the management entity  
25 shall periodically—

1                   (A) review the management plan; and

2                   (B) submit to the Secretary, for review and  
3 approval by the Secretary, the recommendations  
4 of the management entity for any revisions to  
5 the management plan that the management enti-  
6 ty considers to be appropriate.

7           (2) *EXPENDITURE OF FUNDS.*—No funds made  
8 available under this title shall be used to implement  
9 any revision proposed by the management entity  
10 under paragraph (1)(B) until the Secretary approves  
11 the revision.

12 **SEC. 607. TECHNICAL AND FINANCIAL ASSISTANCE.**

13           (a) *IN GENERAL.*—At the request of the management  
14 entity, the Secretary may provide technical and financial  
15 assistance to the heritage area to develop and implement  
16 the management plan.

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

20                   (1) the conservation of the significant natural,  
21 cultural, historical, scenic, and recreational resources  
22 that support the purposes of the heritage area; and

23                   (2) the provision of educational, interpretive,  
24 and recreational opportunities that are consistent



1       *with the resources and associated values of the herit-*  
2       *age area.*

3   **SEC. 608. EFFECT ON CERTAIN AUTHORITY.**

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

6           *(1) imposes an occupational, safety, conserva-*  
7       *tion, or environmental regulation on the heritage area*  
8       *that is more stringent than the regulations that would*  
9       *be applicable to the land described in section 504(b)*  
10       *but for the establishment of the heritage area by sec-*  
11       *tion 504; or*

12           *(2) authorizes a Federal agency to promulgate*  
13       *an occupational, safety, conservation, or environ-*  
14       *mental regulation for the heritage area that is more*  
15       *stringent than the regulations applicable to the land*  
16       *described in section 504(b) as of the date of enactment*  
17       *of this Act, solely as a result of the establishment of*  
18       *the heritage area by section 504.*

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

20           *(1) modifies, enlarges, or diminishes any author-*  
21       *ity of the Federal Government or a State or local gov-*  
22       *ernment to regulate any use of land as provided for*  
23       *by law (including regulations) in existence on the*  
24       *date of enactment of this Act; or*

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

3   **SEC. 609. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
 4           **PROPERTY.**

5           (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
 6   *ERS REQUIRED.*—*No privately owned property shall be pre-*  
 7   *served, conserved, or promoted by the management plan for*  
 8   *the Heritage Area until the owner of that private property*  
 9   *has been notified in writing by the management entity and*  
 10   *has given written consent for such preservation, conserva-*  
 11   *tion, or promotion to the management entity.*

12          (b) *LANDOWNER WITHDRAW.*—*Any owner of private*  
 13   *property included within the boundary of the Heritage Area*  
 14   *shall have their property immediately removed from the*  
 15   *boundary by submitting a written request to the manage-*  
 16   *ment entity.*

17   **SEC. 610. PRIVATE PROPERTY PROTECTION.**

18          (a) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this*  
 19   *title shall be construed to—*

20               (1) *require any private property owner to allow*  
 21               *public access (including Federal, State, or local gov-*  
 22               *ernment access) to such private property; or*

23               (2) *modify any provision of Federal, State, or*  
 24               *local law with regard to public access to or use of pri-*  
 25               *vate property.*

1       (b) *LIABILITY.—Designation of the Heritage Area*  
 2 *shall not be considered to create any liability, or to have*  
 3 *any effect on any liability under any other law, of any pri-*  
 4 *ate property owner with respect to any persons injured*  
 5 *on such private property.*

6       (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
 7 *USE.—Nothing in this title shall be construed to modify*  
 8 *the authority of Federal, State, or local governments to reg-*  
 9 *ulate land use.*

10       (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*  
 11 *IN HERITAGE AREA.—Nothing in this title shall be con-*  
 12 *strued to require the owner of any private property located*  
 13 *within the boundaries of the Heritage Area to participate*  
 14 *in or be associated with the Heritage Area.*

15       (e) *EFFECT OF ESTABLISHMENT.—The boundaries*  
 16 *designated for the Heritage Area represent the area within*  
 17 *which Federal funds appropriated for the purpose of this*  
 18 *title may be expended. The establishment of the Heritage*  
 19 *Area and its boundaries shall not be construed to provide*  
 20 *any nonexisting regulatory authority on land use within*  
 21 *the Heritage Area or its viewshed by the Secretary, the Na-*  
 22 *tional Park Service, or the management entity.*

23 **SEC. 611. AUTHORIZATION OF APPROPRIATIONS.**

24       (a) *IN GENERAL.—There is authorized to be appro-*  
 25 *priated to carry out this title \$10,000,000, to remain avail-*

1 *able until expended, of which not more than \$1,000,000*  
 2 *may be used in any fiscal year.*

3 *(b) FEDERAL SHARE.—The Federal share of the cost*  
 4 *of any project or activity carried out using funds made*  
 5 *available under this title shall not exceed 50 percent.*

6 **SEC. 612. TERMINATION OF AUTHORITY.**

7 *The authority of the Secretary to provide assistance*  
 8 *under this title terminates on the date that is 15 years after*  
 9 *the date that funds are first made available for this title.*

10 **TITLE VII—UPPER HOUSATONIC**  
 11 **VALLEY NATIONAL HERITAGE**  
 12 **AREA**

13 **SEC. 701. SHORT TITLE.**

14 *This title may be cited as the “Upper Housatonic Val-*  
 15 *ley National Heritage Area Act”.*

16 **SEC. 702. FINDINGS AND PURPOSES.**

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

18 *(1) The upper Housatonic Valley, encompassing*  
 19 *29 towns in the hilly terrain of western Massachusetts*  
 20 *and northwestern Connecticut, is a singular geo-*  
 21 *graphical and cultural region that has made signifi-*  
 22 *cant national contributions through its literary, artis-*  
 23 *tic, musical, and architectural achievements, its iron,*  
 24 *paper, and electrical equipment industries, and its*

1 scenic beautification and environmental conservation  
2 efforts.

3 (2) *The upper Housatonic Valley has 139 prop-*  
4 *erties and historic districts listed on the National*  
5 *Register of Historic Places including—*

6 (A) *five National Historic Landmarks—*

7 (i) *Edith Wharton's home, The Mount,*  
8 *Lenox, Massachusetts;*

9 (ii) *Herman Melville's home, Arrow-*  
10 *head, Pittsfield, Massachusetts;*

11 (iii) *W.E.B. DuBois' Boyhood Home-*  
12 *site, Great Barrington, Massachusetts;*

13 (iv) *Mission House, Stockbridge, Mas-*  
14 *sachusetts; and*

15 (v) *Crane and Company Old Stone*  
16 *Mill Rag Room, Dalton, Massachusetts; and*

17 (B) *four National Natural Landmarks—*

18 (i) *Bartholomew's Cobble, Sheffield,*  
19 *Massachusetts, and Salisbury, Connecticut;*

20 (ii) *Beckley Bog, Norfolk, Connecticut;*

21 (iii) *Bingham Bog, Salisbury, Con-*  
22 *necticut; and*

23 (iv) *Cathedral Pines, Cornwall, Con-*  
24 *necticut.*

1           (3) *Writers, artists, musicians, and vacationers*  
2           *have visited the region for more than 150 years to*  
3           *enjoy its scenic wonders, making it one of the coun-*  
4           *try's leading cultural resorts.*

5           (4) *The upper Housatonic Valley has made sig-*  
6           *nificant national cultural contributions through such*  
7           *writers as Herman Melville, Nathaniel Hawthorne,*  
8           *Edith Wharton, and W.E.B. DuBois, artists Daniel*  
9           *Chester French and Norman Rockwell, and the per-*  
10          *forming arts centers of Tanglewood, Music Mountain,*  
11          *Norfolk (Connecticut) Chamber Music Festival, Ja-*  
12          *cob's Pillow, and Shakespeare & Company.*

13          (5) *The upper Housatonic Valley is noted for its*  
14          *pioneering achievements in the iron, paper, and elec-*  
15          *trical generation industries and has cultural resources*  
16          *to interpret those industries.*

17          (6) *The region became a national leader in sce-*  
18          *nic beautification and environmental conservation ef-*  
19          *forts following the era of industrialization and defor-*  
20          *estation and maintains a fabric of significant con-*  
21          *servation areas including the meandering Housatonic*  
22          *River.*

23          (7) *Important historical events related to the*  
24          *American Revolution, Shays' Rebellion, and early*

1 *civil rights took place in the upper Housatonic Val-*  
2 *ley.*

3 (8) *The region had an American Indian presence*  
4 *going back 10,000 years and Mohicans had a forma-*  
5 *tive role in contact with Europeans during the seven-*  
6 *teenth and eighteenth centuries.*

7 (9) *The Upper Housatonic Valley National Her-*  
8 *itage Area has been proposed in order to heighten ap-*  
9 *preciation of the region, preserve its natural and his-*  
10 *torical resources, and improve the quality of life and*  
11 *economy of the area.*

12 (b) *PURPOSES.—The purposes of this title are as fol-*  
13 *lows:*

14 (1) *To establish the Upper Housatonic Valley*  
15 *National Heritage Area in the State of Connecticut*  
16 *and the Commonwealth of Massachusetts.*

17 (2) *To implement the national heritage area al-*  
18 *ternative as described in the document entitled*  
19 *“Upper Housatonic Valley National Heritage Area*  
20 *Feasibility Study, 2003”.*

21 (3) *To provide a management framework to fos-*  
22 *ter a close working relationship with all levels of gov-*  
23 *ernment, the private sector, and the local communities*  
24 *in the upper Housatonic Valley region to conserve the*

1        *region’s heritage while continuing to pursue compat-*  
2        *ible economic opportunities.*

3            (4) *To assist communities, organizations, and*  
4        *citizens in the State of Connecticut and the Common-*  
5        *wealth of Massachusetts in identifying, preserving, in-*  
6        *terpreting, and developing the historical, cultural, sce-*  
7        *nic, and natural resources of the region for the edu-*  
8        *cational and inspirational benefit of current and fu-*  
9        *ture generations.*

10 **SEC. 703. DEFINITIONS.**

11        *In this title:*

12            (1) *HERITAGE AREA.*—*The term “Heritage*  
13        *Area” means the Upper Housatonic Valley National*  
14        *Heritage Area, established in section 604.*

15            (2) *MANAGEMENT ENTITY.*—*The term “Manage-*  
16        *ment Entity” means the management entity for the*  
17        *Heritage Area designated by section 604(d).*

18            (3) *MANAGEMENT PLAN.*—*The term “Manage-*  
19        *ment Plan” means the management plan for the Her-*  
20        *itage Area specified in section 606.*

21            (4) *MAP.*—*The term “map” means the map enti-*  
22        *tled “Boundary Map Upper Housatonic Valley Na-*  
23        *tional Heritage Area”, numbered P17/80,000, and*  
24        *dated February 2003.*



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

3           (6) *STATE.*—*The term “State” means the State*  
4 *of Connecticut and the Commonwealth of Massachu-*  
5 *setts.*

6 **SEC. 704. UPPER HOUSATONIC VALLEY NATIONAL HERIT-**  
7 **AGE AREA.**

8           (a) *ESTABLISHMENT.*—*There is established the Upper*  
9 *Housatonic Valley National Heritage Area.*

10          (b) *BOUNDARIES.*—*The Heritage Area shall be com-*  
11 *prised of—*

12           (1) *part of the Housatonic River’s watershed,*  
13 *which extends 60 miles from Lanesboro, Massachusetts*  
14 *to Kent, Connecticut;*

15           (2) *the towns of Canaan, Colebrook, Cornwall,*  
16 *Kent, Norfolk, North Canaan, Salisbury, Sharon, and*  
17 *Warren in Connecticut; and*

18           (3) *the towns of Alford, Becket, Dalton,*  
19 *Egremont, Great Barrington, Hancock, Hinsdale,*  
20 *Lanesboro, Lee, Lenox, Monterey, Mount Washington,*  
21 *New Marlboro, Pittsfield, Richmond, Sheffield, Stock-*  
22 *bridge, Tyringham, Washington, and West Stock-*  
23 *bridge in Massachusetts.*

24          (c) *AVAILABILITY OF MAP.*—*The map shall be on file*  
25 *and available for public inspection in the appropriate of-*

1 *ices of the National Park Service, Department of the Inte-*  
 2 *rior.*

3 (d) *MANAGEMENT ENTITY.*—*The Upper Housatonic*  
 4 *Valley National Heritage Area, Inc. shall be the manage-*  
 5 *ment entity for the Heritage Area.*

6 **SEC. 705. AUTHORITIES, PROHIBITIONS AND DUTIES OF**  
 7 **THE MANAGEMENT ENTITY.**

8 (a) *DUTIES OF THE MANAGEMENT ENTITY.*—*To fur-*  
 9 *ther the purposes of the Heritage Area, the management en-*  
 10 *tity shall—*

11 (1) *prepare and submit a management plan for*  
 12 *the Heritage Area to the Secretary in accordance with*  
 13 *section 606;*

14 (2) *assist units of local government, regional*  
 15 *planning organizations, and nonprofit organizations*  
 16 *in implementing the approved management plan*  
 17 *by—*

18 (A) *carrying out programs and projects*  
 19 *that recognize, protect and enhance important*  
 20 *resource values within the Heritage Area;*

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

24 (C) *developing recreational and educational*  
 25 *opportunities in the Heritage Area;*

1           (D) increasing public awareness of and ap-  
2           preciation for natural, historical, scenic, and  
3           cultural resources of the *Heritage Area*;

4           (E) protecting and restoring historic sites  
5           and buildings in the *Heritage Area* that are con-  
6           sistent with heritage area themes;

7           (F) ensuring that signs identifying points  
8           of public access and sites of interest are posted  
9           throughout the *Heritage Area*; and

10          (G) promoting a wide range of partnerships  
11          among governments, organizations and individ-  
12          uals to further the purposes of the *Heritage Area*;

13          (3) consider the interests of diverse units of gov-  
14          ernment, businesses, organizations and individuals in  
15          the *Heritage Area* in the preparation and implemen-  
16          tation of the management plan;

17          (4) conduct meetings open to the public at least  
18          semi-annually regarding the development and imple-  
19          mentation of the management plan;

20          (5) submit an annual report to the Secretary for  
21          any fiscal year in which the management entity re-  
22          ceives Federal funds under this title, setting forth its  
23          accomplishments, expenses, and income, including  
24          grants to any other entities during the year for which  
25          the report is made;

1           (6) *make available for audit for any fiscal year*  
2           *in which it receives Federal funds under this title, all*  
3           *information pertaining to the expenditure of such*  
4           *funds and any matching funds, and require in all*  
5           *agreements authorizing expenditures of Federal funds*  
6           *by other organizations, that the receiving organiza-*  
7           *tions make available for such audit all records and*  
8           *other information pertaining to the expenditure of*  
9           *such funds; and*

10           (7) *encourage by appropriate means economic*  
11           *development that is consistent with the purposes of*  
12           *the Heritage Area.*

13           (b) *AUTHORITIES.*—*The management entity may, for*  
14           *the purposes of preparing and implementing the manage-*  
15           *ment plan for the Heritage Area, use Federal funds made*  
16           *available through this title to—*

17           (1) *make grants to the State of Connecticut and*  
18           *the Commonwealth of Massachusetts, their political*  
19           *subdivisions, nonprofit organizations and other per-*  
20           *sons;*

21           (2) *enter into cooperative agreements with or*  
22           *provide technical assistance to the State of Con-*  
23           *necticut and the Commonwealth of Massachusetts,*  
24           *their subdivisions, nonprofit organizations, and other*  
25           *interested parties;*

1           (3) hire and compensate staff, which shall in-  
 2           clude individuals with expertise in natural, cultural,  
 3           and historical resources protection, and heritage pro-  
 4           gramming;

5           (4) obtain money or services from any source in-  
 6           cluding any that are provided under any other Fed-  
 7           eral law or program;

8           (5) contract for goods or services; and

9           (6) undertake to be a catalyst for any other ac-  
 10          tivity that furthers the purposes of the Heritage Area  
 11          and is consistent with the approved management  
 12          plan.

13          (c) *PROHIBITIONS ON THE ACQUISITION OF REAL*  
 14          *PROPERTY.*—The management entity may not use Federal  
 15          funds received under this title to acquire real property, but  
 16          may use any other source of funding, including other Fed-  
 17          eral funding outside this authority, intended for the acqui-  
 18          sition of real property.

19          **SEC. 706. MANAGEMENT PLAN.**

20          (a) *IN GENERAL.*—The management plan for the Her-  
 21          itage Area shall—

22               (1) include comprehensive policies, strategies and  
 23               recommendations for conservation, funding, manage-  
 24               ment and development of the Heritage Area;

1           (2) *take into consideration existing State, coun-*  
2 *ty, and local plans in the development of the manage-*  
3 *ment plan and its implementation;*

4           (3) *include a description of actions that govern-*  
5 *ments, private organizations, and individuals have*  
6 *agreed to take to protect the natural, historical and*  
7 *cultural resources of the Heritage Area;*

8           (4) *specify the existing and potential sources of*  
9 *funding to protect, manage, and develop the Heritage*  
10 *Area in the first 5 years of implementation;*

11          (5) *include an inventory of the natural, histor-*  
12 *ical, cultural, educational, scenic, and recreational re-*  
13 *sources of the Heritage Area related to the themes of*  
14 *the Heritage Area that should be preserved, restored,*  
15 *managed, developed, or maintained;*

16          (6) *describe a program of implementation for the*  
17 *management plan including plans for resource protec-*  
18 *tion, restoration, construction, and specific commit-*  
19 *ments for implementation that have been made by the*  
20 *management entity or any government, organization,*  
21 *or individual for the first 5 years of implementation;*  
22 *and*

23          (7) *include an interpretive plan for the Heritage*  
24 *Area.*

25          (b) *DEADLINE AND TERMINATION OF FUNDING.—*

1           (1) *DEADLINE.*—*The management entity shall*  
2           *submit the management plan to the Secretary for ap-*  
3           *proval within 3 years after funds are made available*  
4           *for this title.*

5           (2) *TERMINATION OF FUNDING.*—*If the manage-*  
6           *ment plan is not submitted to the Secretary in ac-*  
7           *cordance with this subsection, the management entity*  
8           *shall not qualify for Federal funding under this title*  
9           *until such time as the management plan is submitted*  
10          *to the Secretary.*

11 **SEC. 707. DUTIES AND AUTHORITIES OF THE SECRETARY.**

12          (a) *TECHNICAL AND FINANCIAL ASSISTANCE.*—*The*  
13          *Secretary may, upon the request of the management entity,*  
14          *provide technical assistance on a reimbursable or non-reim-*  
15          *bursable basis and financial assistance to the Heritage Area*  
16          *to develop and implement the approved management plan.*  
17          *The Secretary is authorized to enter into cooperative agree-*  
18          *ments with the management entity and other public or pri-*  
19          *vate entities for this purpose. In assisting the Heritage*  
20          *Area, the Secretary shall give priority to actions that in*  
21          *general assist in—*

22                 (1) *conserving the significant natural, historical,*  
23                 *cultural, and scenic resources of the Heritage Area;*  
24                 *and*

1           (2) *providing educational, interpretive, and rec-*  
2           *reational opportunities consistent with the purposes of*  
3           *the Heritage Area.*

4           (b) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*  
5           *PLAN.—*

6           (1) *IN GENERAL.—The Secretary shall approve*  
7           *or disapprove the management plan not later than 90*  
8           *days after receiving the management plan.*

9           (2) *CRITERIA FOR APPROVAL.—In determining*  
10          *the approval of the management plan, the Secretary*  
11          *shall consider whether—*

12                 (A) *the management entity is representative*  
13                 *of the diverse interests of the Heritage Area in-*  
14                 *cluding governments, natural and historic re-*  
15                 *source protection organizations, educational in-*  
16                 *stitutions, businesses, and recreational organiza-*  
17                 *tions;*

18                 (B) *the management entity has afforded*  
19                 *adequate opportunity, including public hearings,*  
20                 *for public and governmental involvement in the*  
21                 *preparation of the management plan;*

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



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

3                   *(D) the management plan is supported by*  
4           *the appropriate State and local officials whose*  
5           *cooperation is needed to ensure the effective im-*  
6           *plementation of the State and local aspects of the*  
7           *management plan.*

8           *(3) ACTION FOLLOWING DISAPPROVAL.—If the*  
9           *Secretary disapproves the management plan, the Sec-*  
10          *retary shall advise the management entity in writing*  
11          *of the reasons therefore and shall make recommenda-*  
12          *tions for revisions to the management plan. The Sec-*  
13          *retary shall approve or disapprove a proposed revi-*  
14          *sion within 60 days after the date it is submitted.*

15                  *(4) APPROVAL OF AMENDMENTS.—Substantial*  
16          *amendments to the management plan shall be re-*  
17          *viewed by the Secretary and approved in the same*  
18          *manner as provided for the original management*  
19          *plan. The management entity shall not use Federal*  
20          *funds authorized by this title to implement any*  
21          *amendments until the Secretary has approved the*  
22          *amendments.*

23   **SEC. 708. DUTIES OF OTHER FEDERAL AGENCIES.**

24          *Any Federal agency conducting or supporting activi-*  
25          *ties directly affecting the Heritage Area shall—*

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

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

8           (3) *to the maximum extent practicable, conduct*  
9           *or support such activities in a manner which the*  
10          *management entity determines will not have an ad-*  
11          *verse effect on the Heritage Area.*

12 **SEC. 709. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
13                                   **PROPERTY.**

14          (a) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
15          *ERS REQUIRED.—No privately owned property shall be pre-*  
16          *served, conserved, or promoted by the management plan for*  
17          *the Heritage Area until the owner of that private property*  
18          *has been notified in writing by the management entity and*  
19          *has given written consent for such preservation, conserva-*  
20          *tion, or promotion to the management entity.*

21          (b) *LANDOWNER WITHDRAW.—Any owner of private*  
22          *property included within the boundary of the Heritage Area*  
23          *shall have their property immediately removed from the*  
24          *boundary by submitting a written request to the manage-*  
25          *ment entity.*

1 **SEC. 710. PRIVATE PROPERTY PROTECTION.**

2 (a) *ACCESS TO PRIVATE PROPERTY.*—*Nothing in this*  
3 *title shall be construed to—*

4 (1) *require any private property owner to allow*  
5 *public access (including Federal, State, or local gov-*  
6 *ernment access) to such private property; or*

7 (2) *modify any provision of Federal, State, or*  
8 *local law with regard to public access to or use of pri-*  
9 *vate property.*

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

15 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
16 *USE.*—*Nothing in this title shall be construed to modify*  
17 *the authority of Federal, State, or local governments to reg-*  
18 *ulate land use.*

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

24 (e) *EFFECT OF ESTABLISHMENT.*—*The boundaries*  
25 *designated for the Heritage Area represent the area within*  
26 *which Federal funds appropriated for the purpose of this*

1 *title may be expended. The establishment of the Heritage*  
2 *Area and its boundaries shall not be construed to provide*  
3 *any nonexisting regulatory authority on land use within*  
4 *the Heritage Area or its viewshed by the Secretary, the Na-*  
5 *tional Park Service, or the management entity.*

6 **SEC. 711. AUTHORIZATION OF APPROPRIATIONS.**

7       (a) *IN GENERAL.*—*There is authorized to be appro-*  
8 *priated for the purposes of this title not more than*  
9 *\$1,000,000 for any fiscal year. Not more than a total of*  
10 *\$10,000,000 may be appropriated for the Heritage Area*  
11 *under this title.*

12       (b) *MATCHING FUNDS.*—*Federal funding provided*  
13 *under this title may not exceed 50 percent of the total cost*  
14 *of any assistance or grant provided or authorized under this*  
15 *title.*

16 **SEC. 712. SUNSET.**

17       *The authority of the Secretary to provide assistance*  
18 *under this title shall terminate on the day occurring 15*  
19 *years after funds are first made available for this title.*

20                   **TITLE VIII—OIL REGION**  
21                   **NATIONAL HERITAGE AREA**

22 **SEC. 801. SHORT TITLE; DEFINITIONS.**

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

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

3           (1) *HERITAGE AREA.*—*The term “Heritage*  
4 *Area” means the Oil Region National Heritage Area*  
5 *established in section 703(a).*

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

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

11 **SEC. 802. FINDINGS AND PURPOSE.**

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

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

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

24           (3) *Six national historic districts are located*  
25 *within the State Heritage Park boundary, in*

1        *Emlenton, Franklin, Oil City, and Titusville, as well*  
2        *as 17 separate National Register sites.*

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

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

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

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

24                *(8) Involvement by the Federal Government shall*  
25        *serve to enhance the efforts of the Commonwealth of*

1        *Pennsylvania, local subdivisions of the Common-*  
2        *wealth of Pennsylvania, volunteer organizations, and*  
3        *private businesses, to promote the cultural, national,*  
4        *and recreational resources of the region in order to*  
5        *fulfill their full potential.*

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

15       **SEC. 803. OIL REGION NATIONAL HERITAGE AREA.**

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

18       (b) *BOUNDARIES.*—*The boundaries of the Heritage*  
19       *Area shall include all of those lands depicted on a map enti-*  
20       *tled “Oil Region National Heritage Area”, numbered*  
21       *OIRE/20,000 and dated October, 2000. The map shall be*  
22       *on file in the appropriate offices of the National Park Serv-*  
23       *ice. The Secretary of the Interior shall publish in the Fed-*  
24       *eral Register, as soon as practical after the date of the en-*

1 *actment of this Act, a detailed description and map of the*  
2 *boundaries established under this subsection.*

3 (c) *MANAGEMENT ENTITY.*—*The management entity*  
4 *for the Heritage Area shall be the Oil Heritage Region, Inc.,*  
5 *the locally based private, nonprofit management corpora-*  
6 *tion which shall oversee the development of a management*  
7 *plan in accordance with section 705(b).*

8 **SEC. 804. COMPACT.**

9 *To carry out the purposes of this title, the Secretary*  
10 *shall enter into a compact with the management entity. The*  
11 *compact shall include information relating to the objectives*  
12 *and management of the area, including a discussion of the*  
13 *goals and objectives of the Heritage Area, including an ex-*  
14 *planation of the proposed approach to conservation and in-*  
15 *terpretation and a general outline of the protection meas-*  
16 *ures committed to by the Secretary and management entity.*

17 **SEC. 805. AUTHORITIES AND DUTIES OF MANAGEMENT EN-**  
18 **TITY.**

19 (a) *AUTHORITIES OF THE MANAGEMENT ENTITY.*—  
20 *The management entity may use funds made available*  
21 *under this title for purposes of preparing, updating, and*  
22 *implementing the management plan developed under sub-*  
23 *section (b). Such purposes may include—*



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

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

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

7           (b) *MANAGEMENT PLAN.—The management entity*  
8           *shall develop a management plan for the Heritage Area*  
9           *that—*

10           (1) *presents comprehensive strategies and rec-*  
11           *ommendations for conservation, funding, manage-*  
12           *ment, and development of the Heritage Area;*

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

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

20           (4) *specifies the existing and potential sources of*  
21           *funding to protect, manage, and develop the Heritage*  
22           *Area;*

23           (5) *includes an inventory of the resources con-*  
24           *tained in the Heritage Area, including a list of any*  
25           *property in the Heritage Area that is related to the*

1 *themes of the Heritage Area and that should be pre-*  
2 *served, restored, managed, developed, or maintained*  
3 *because of its natural, cultural, historic, recreational,*  
4 *or scenic significance;*

5 *(6) describes a program for implementation of*  
6 *the management plan by the management entity, in-*  
7 *cluding plans for restoration and construction, and*  
8 *specific commitments for that implementation that*  
9 *have been made by the management entity and any*  
10 *other persons for the first 5 years of implementation;*

11 *(7) lists any revisions to the boundaries of the*  
12 *Heritage Area proposed by the management entity*  
13 *and requested by the affected local government; and*

14 *(8) includes an interpretation plan for the Her-*  
15 *itage Area.*

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

17 *(1) DEADLINE.—The management entity shall*  
18 *submit the management plan to the Secretary within*  
19 *2 years after the funds are made available for this*  
20 *title.*

21 *(2) TERMINATION OF FUNDING.—If a manage-*  
22 *ment plan is not submitted to the Secretary in ac-*  
23 *cordance with this subsection, the management entity*  
24 *shall not qualify for Federal assistance under this*  
25 *title.*

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

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

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

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

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

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

14           (D) *the restoration of any historic building*  
15 *relating to the themes of the Heritage Area;*

16           (E) *ensuring that clear signs identifying ac-*  
17 *cess points and sites of interest are put in place*  
18 *throughout the Heritage Area; and*

19           (F) *carrying out other actions that the*  
20 *management entity determines to be advisable to*  
21 *fulfill the purposes of this title;*

22           (3) *encourage by appropriate means economic*  
23 *viability in the Heritage Area consistent with the*  
24 *goals of the management plan;*

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

4           (5) *for any year in which Federal funds have*  
5           *been provided to implement the management plan*  
6           *under subsection (b)—*

7                   (A) *conduct public meetings at least annu-*  
8                   *ally regarding the implementation of the man-*  
9                   *agement plan;*

10                   (B) *submit an annual report to the Sec-*  
11                   *retary setting forth accomplishments, expenses*  
12                   *and income, and each person to which any grant*  
13                   *was made by the management entity in the year*  
14                   *for which the report is made; and*

15                   (C) *require, for all agreements entered into*  
16                   *by the management entity authorizing expendi-*  
17                   *ture of Federal funds by any other person, that*  
18                   *the person making the expenditure make avail-*  
19                   *able to the management entity for audit all*  
20                   *records pertaining to the expenditure of such*  
21                   *funds.*

22           (e) *PROHIBITION ON THE ACQUISITION OF REAL*  
23           *PROPERTY.—The management entity may not use Federal*  
24           *funds received under this title to acquire real property or*  
25           *an interest in real property.*

1 **SEC. 806. DUTIES AND AUTHORITIES OF THE SECRETARY.**

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

3 (1) *IN GENERAL.*—

4 (A) *OVERALL ASSISTANCE.*—*The Secretary*  
5 *may, upon the request of the management entity,*  
6 *and subject to the availability of appropriations,*  
7 *provide technical and financial assistance to the*  
8 *management entity to carry out its duties under*  
9 *this title, including updating and implementing*  
10 *a management plan that is submitted under sec-*  
11 *tion 705(b) and approved by the Secretary and,*  
12 *prior to such approval, providing assistance for*  
13 *initiatives.*

14 (B) *OTHER ASSISTANCE.*—*If the Secretary*  
15 *has the resources available to provide technical*  
16 *assistance to the management entity to carry out*  
17 *its duties under this title (including updating*  
18 *and implementing a management plan that is*  
19 *submitted under section 705(b) and approved by*  
20 *the Secretary and, prior to such approval, pro-*  
21 *viding assistance for initiatives), upon the re-*  
22 *quest of the management entity the Secretary*  
23 *shall provide such assistance on a reimbursable*  
24 *basis. This subparagraph does not preclude the*  
25 *Secretary from providing nonreimbursable as-*  
26 *sistance under subparagraph (A).*

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

4           (A) *implementation of the management*  
5 *plan;*

6           (B) *provision of educational assistance and*  
7 *advice regarding land and water management*  
8 *techniques to conserve the significant natural re-*  
9 *sources of the region;*

10          (C) *development and application of tech-*  
11 *niques promoting the preservation of cultural*  
12 *and historic properties;*

13          (D) *preservation, restoration, and reuse of*  
14 *publicly and privately owned historic buildings;*

15          (E) *design and fabrication of a wide range*  
16 *of interpretive materials based on the manage-*  
17 *ment plan, including guide brochures, visitor*  
18 *displays, audio-visual and interactive exhibits,*  
19 *and educational curriculum materials for public*  
20 *education; and*

21          (F) *implementation of initiatives prior to*  
22 *approval of the management plan.*

23           (3) *DOCUMENTATION OF STRUCTURES.*—*The Sec-*  
24 *retary, acting through the Historic American Build-*  
25 *ing Survey and the Historic American Engineering*

1        *Record, shall conduct studies necessary to document*  
2        *the industrial, engineering, building, and architec-*  
3        *tural history of the Heritage Area.*

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

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

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

15            *(3) The extent to which the board of directors of*  
16            *the management entity is representative of the local*  
17            *government and a wide range of interested organiza-*  
18            *tions and citizens.*

19        *(c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-*  
20        *retary disapproves a management plan, the Secretary shall*  
21        *advise the management entity in writing of the reasons for*  
22        *the disapproval and shall make recommendations for revi-*  
23        *sions in the management plan. The Secretary shall approve*  
24        *or disapprove a proposed revision within 90 days after the*  
25        *date it is submitted.*

1           (d) *APPROVING CHANGES.*—*The Secretary shall review*  
2 *and approve amendments to the management plan under*  
3 *section 705(b) that make substantial changes. Funds appro-*  
4 *riated under this title may not be expended to implement*  
5 *such changes until the Secretary approves the amendments.*

6           (e) *EFFECT OF INACTION.*—*If the Secretary does not*  
7 *approve or disapprove a management plan, revision, or*  
8 *change within 90 days after it is submitted to the Secretary,*  
9 *then such management plan, revision, or change shall be*  
10 *deemed to have been approved by the Secretary.*

11 **SEC. 807. DUTIES OF OTHER FEDERAL ENTITIES.**

12           *Any Federal entity conducting or supporting activities*  
13 *directly affecting the Heritage Area shall—*

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

16                   (2) *cooperate with the Secretary and the man-*  
17 *agement entity in carrying out their duties under this*  
18 *title and, to the maximum extent practicable, coordi-*  
19 *nate such activities with the carrying out of such du-*  
20 *ties; and*

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



1 **SEC. 808. SUNSET.**

2       *The Secretary may not make any grant or provide any*  
 3 *assistance under this title after the expiration of the 15-*  
 4 *year period beginning on the date that funds are first made*  
 5 *available for this title.*

6 **SEC. 809. REQUIREMENTS FOR INCLUSION OF PRIVATE**  
 7 **PROPERTY.**

8       *(a) NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
 9 *ERS REQUIRED.—No privately owned property shall be pre-*  
 10 *served, conserved, or promoted by the management plan for*  
 11 *the Heritage Area until the owner of that private property*  
 12 *has been notified in writing by the management entity and*  
 13 *has given written consent for such preservation, conserva-*  
 14 *tion, or promotion to the management entity.*

15       *(b) LANDOWNER WITHDRAW.—Any owner of private*  
 16 *property included within the boundary of the Heritage Area*  
 17 *shall have their property immediately removed from the*  
 18 *boundary by submitting a written request to the manage-*  
 19 *ment entity.*

20 **SEC. 810. PRIVATE PROPERTY PROTECTION.**

21       *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*  
 22 *title shall be construed to—*

23               *(1) require any private property owner to allow*  
 24               *public access (including Federal, State, or local gov-*  
 25               *ernment access) to such private property; or*

1           (2) *modify any provision of Federal, State, or*  
2           *local law with regard to public access to or use of pri-*  
3           *vate property.*

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

9           (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
10          *USE.—Nothing in this title shall be construed to modify*  
11          *the authority of Federal, State, or local governments to reg-*  
12          *ulate land use.*

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

18          (e) *EFFECT OF ESTABLISHMENT.—The boundaries*  
19          *designated for the Heritage Area represent the area within*  
20          *which Federal funds appropriated for the purpose of this*  
21          *title may be expended. The establishment of the Heritage*  
22          *Area and its boundaries shall not be construed to provide*  
23          *any nonexisting regulatory authority on land use within*  
24          *the Heritage Area or its viewshed by the Secretary, the Na-*  
25          *tional Park Service, or the management entity.*

1 **SEC. 811. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

2 *Nothing in this title shall preclude the management*  
 3 *entity from using Federal funds available under Acts other*  
 4 *than this title for the purposes for which those funds were*  
 5 *authorized.*

6 **SEC. 812. AUTHORIZATION OF APPROPRIATIONS.**

7 *(a) IN GENERAL.—There are authorized to be appro-*  
 8 *riated to carry out this title—*

9 *(1) not more than \$1,000,000 for any fiscal year;*  
 10 *and*

11 *(2) not more than a total of \$10,000,000.*

12 *(b) 50 PERCENT MATCH.—Financial assistance pro-*  
 13 *vided under this title may not be used to pay more than*  
 14 *50 percent of the total cost of any activity carried out with*  
 15 *that assistance.*

16 **TITLE IX—WESTERN RESERVE**  
 17 **HERITAGE AREAS STUDY**

18 **SEC. 901. SHORT TITLE.**

19 *This Act may be cited as the “Western Reserve Herit-*  
 20 *age Areas Study Act”.*

21 **SEC. 902. NATIONAL PARK SERVICE STUDY REGARDING THE**  
 22 **WESTERN RESERVE, OHIO.**

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

24 *(1) The area that encompasses the modern-day*  
 25 *counties of Trumbull, Mahoning, Ashtabula, Portage,*  
 26 *Geagua, Lake, Cuyahoga, Summit, Medina, Huron,*

1        *Lorain, Erie, Ottawa, and Ashland in Ohio with the*  
2        *rich history in what was once the Western Reserve,*  
3        *has made a unique contribution to the cultural, polit-*  
4        *ical and industrial development of the United States.*

5            (2) *The Western Reserve is distinctive as the*  
6        *land settled by the people of Connecticut after the*  
7        *Revolutionary War. The Western Reserve holds a*  
8        *unique mark as the original wilderness land of the*  
9        *West that many settlers migrated to in order to begin*  
10       *life outside of the original 13 colonies.*

11           (3) *The Western Reserve played a significant*  
12       *role in providing land to the people of Connecticut*  
13       *whose property and land was destroyed during the*  
14       *Revolution. These settlers were descendants of the*  
15       *brave immigrants who came to the Americas in the*  
16       *17th century.*

17           (4) *The Western Reserve offered a new destina-*  
18       *tion for those who moved west in search of land and*  
19       *prosperity. The agricultural and industrial base that*  
20       *began in the Western Reserve still lives strong in these*  
21       *prosperous and historical counties.*

22           (5) *The heritage of the Western Reserve remains*  
23       *transfixed in the counties of Trumbull, Mahoning,*  
24       *Ashtabula, Portage, Geagua, Lake, Cuyahoga, Sum-*  
25       *mit, Medina, Huron, Lorain, Erie, Ottawa, and Ash-*

1        *land in Ohio. The people of these counties are proud*  
2        *of their heritage as shown through the unwavering at-*  
3        *tempts to preserve agricultural land and the indus-*  
4        *trial foundation that has been embedded in this re-*  
5        *gion since the establishment of the Western Reserve.*  
6        *Throughout these counties, historical sites, and mark-*  
7        *ers preserve the unique traditions and customs of its*  
8        *original heritage.*

9                *(6) The counties that encompass the Western Re-*  
10        *serve continue to maintain a strong connection to its*  
11        *historic past as seen through its preservation of its*  
12        *local heritage, including historic homes, buildings,*  
13        *and centers of public gatherings.*

14                *(7) There is a need for assistance for the preser-*  
15        *vation and promotion of the significance of the West-*  
16        *ern Reserve as the natural, historic and cultural her-*  
17        *itage of the counties of Trumbull, Mahoning, Ash-*  
18        *tabula, Portage, Geagua, Lake, Cuyahoga, Summit,*  
19        *Medina, Huron, Lorain, Erie, Ottawa and Ashland*  
20        *in Ohio.*

21                *(8) The Department of the Interior is responsible*  
22        *for protecting the Nation's cultural and historical re-*  
23        *sources. There are significant examples of such re-*  
24        *sources within these counties and what was once the*  
25        *Western Reserve to merit the involvement of the Fed-*

1 *eral Government in the development of programs and*  
2 *projects, in cooperation with the State of Ohio and*  
3 *other local governmental entities, to adequately con-*  
4 *serve, protect, and interpret this heritage for future*  
5 *generations, while providing opportunities for edu-*  
6 *cation and revitalization.*

7 *(b) STUDY.—*

8 *(1) IN GENERAL.—The Secretary shall, in con-*  
9 *sultation with the State of Ohio, the counties of*  
10 *Trumbull, Mahoning, Ashtabula, Portage, Geagua,*  
11 *Lake, Cuyahoga, Summit, Medina, Huron, Lorain,*  
12 *Erie, Ottawa, and Ashland, and other appropriate or-*  
13 *ganizations, carry out a study regarding the suit-*  
14 *ability and feasibility of establishing the Western Re-*  
15 *serve Heritage Area in these counties in Ohio.*

16 *(2) CONTENTS.—The study shall include anal-*  
17 *ysis and documentation regarding whether the Study*  
18 *Area—*

19 *(A) has an assemblage of natural, historic,*  
20 *and cultural resources that together represent*  
21 *distinctive aspects of American heritage worthy*  
22 *of recognition, conservation, interpretation, and*  
23 *continuing use, and are best managed through*  
24 *partnerships among public and private entities*

1           *and by combining diverse and sometimes non-*  
2           *contiguous resources and active communities;*

3           *(B) reflects traditions, customs, beliefs, and*  
4           *folklife that are a valuable part of the national*  
5           *story;*

6           *(C) provides outstanding opportunities to*  
7           *conserve natural, historic, cultural, or scenic fea-*  
8           *tures;*

9           *(D) provides outstanding recreational and*  
10          *educational opportunities;*

11          *(E) contains resources important to the*  
12          *identified theme or themes of the Study Area*  
13          *that retain a degree of integrity capable of sup-*  
14          *porting interpretation;*

15          *(F) includes residents, business interests,*  
16          *nonprofit organizations, and local and State*  
17          *governments that are involved in the planning,*  
18          *have developed a conceptual financial plan that*  
19          *outlines the roles for all participants, including*  
20          *the Federal Government, and have demonstrated*  
21          *support for the concept of a national heritage*  
22          *area;*

23          *(G) has a potential management entity to*  
24          *work in partnership with residents, business in-*  
25          *terests, nonprofit organizations, and local and*

1           *State governments to develop a national heritage*  
 2           *area consistent with continued local and State*  
 3           *economic activity;*

4                   *(H) has a conceptual boundary map that is*  
 5           *supported by the public; and*

6                   *(I) has potential or actual impact on pri-*  
 7           *vate property located within or abutting the*  
 8           *Study Area.*

9           *(c) BOUNDARIES OF THE STUDY AREA.—The Study*  
 10   *Area shall be comprised of the counties of Trumbull,*  
 11   *Mahoning, Ashtabula, Portage, Geauga, Lake, Cuyahoga,*  
 12   *Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ash-*  
 13   *land in Ohio.*

14           ***TITLE X—GULLAH/GEECHEE***  
 15                   ***CULTURAL HERITAGE***

16   ***SEC. 1001. SHORT TITLE.***

17           *This Act may be cited as the “Gullah/Geechee Cultural*  
 18   *Heritage Act”.*

19   ***SEC. 1002. PURPOSES.***

20           *The purposes of this Act are to—*

21                   *(1) recognize the important contributions made*  
 22           *to American culture and history by African-Ameri-*  
 23           *cans known as the Gullah/Geechee who settled in the*  
 24           *coastal counties of South Carolina and Georgia;*



1           (2) *assist State and local governments and pub-*  
 2           *lic and private entities in the South Carolina and*  
 3           *Georgia in interpreting the story of the Gullah/*  
 4           *Geechee and preserving Gullah/Geechee folklore, arts,*  
 5           *crafts, and music; and*

6           (3) *assist in identifying and preserving sites,*  
 7           *historical data, artifacts, and objects associated with*  
 8           *the Gullah/Geechee for the benefit and education of the*  
 9           *public.*

10 **SEC. 1003. DEFINITIONS.**

11           *For the purposes of this Act, the following definitions*  
 12 *apply:*

13           (1) *COMMISSION.*—*The term “Commission”*  
 14           *means the Gullah/Geechee Cultural Heritage Corridor*  
 15           *Commission established under this Act.*

16           (2) *HERITAGE CORRIDOR.*—*The term “Heritage*  
 17           *Corridor” means the Gullah/Geechee Cultural Herit-*  
 18           *age Corridor established by this Act.*

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

21 **SEC. 1004. GULLAH/GEECHEE CULTURAL HERITAGE COR-**  
 22           **RIDOR.**

23           (a) *ESTABLISHMENT.*—*There is established the Gullah/*  
 24           *Geechee Cultural Heritage Corridor.*

25           (b) *BOUNDARIES.*—

1           (1) *IN GENERAL.*—*The Heritage Corridor shall*  
2           *be comprised of those lands and waters generally de-*  
3           *scribed on a map entitled “Gullah/Geechee Cultural*  
4           *Heritage Corridor” numbered GGCHC/80,000, and*  
5           *dated September 2004. The map shall be on file and*  
6           *available for public inspection in the appropriate of-*  
7           *fices of the National Park Service and in an appro-*  
8           *priate State office in each of the States included in*  
9           *the Heritage Corridor. The Secretary shall publish in*  
10          *the Federal Register, as soon as practicable after the*  
11          *date of enactment of this Act a detailed description*  
12          *and map of the boundaries established under this sub-*  
13          *section.*

14          (2) *REVISIONS.*—*The boundaries of the heritage*  
15          *corridor may be revised if the revision is—*

16                 (A) *proposed in the management plan de-*  
17                 *veloped for the Heritage Corridor;*

18                 (B) *approved by the Secretary in accord-*  
19                 *ance with this Act; and*

20                 (C) *placed on file in accordance with para-*  
21                 *graph (1).*

22          (c) *ADMINISTRATION.*—*The Heritage Corridor shall be*  
23          *administered in accordance with the provisions of this Act.*

1 **SEC. 1005. GULLAH/GEECHEE CULTURAL HERITAGE COR-**  
2 **RIDOR COMMISSION.**

3 (a) *ESTABLISHMENT.*—*There is hereby established a*  
4 *commission to be known as “Gullah/Geechee Cultural Herit-*  
5 *age Corridor Commission” whose purpose shall be to assist*  
6 *Federal, State, and local authorities in the development and*  
7 *implementation of a management plan for those land and*  
8 *waters specified in section 4.*

9 (b) *MEMBERSHIP.*—*The Commission shall be com-*  
10 *posed of nine members appointed by the Secretary as fol-*  
11 *lows:*

12 (1) *Four individuals nominated by the State*  
13 *Historic Preservation Officer of South Carolina and*  
14 *two individuals nominated by the State Historic*  
15 *Preservation Officer of Georgia and appointed by the*  
16 *Secretary.*

17 (2) *Two individuals from South Carolina and*  
18 *one individual from Georgia who are recognized ex-*  
19 *perts in historic preservation, anthropology, and folk-*  
20 *lore, appointed by the Secretary.*

21 (c) *TERMS.*—*Members of the Commission shall be ap-*  
22 *pointed to terms not to exceed 3 years. The Secretary may*  
23 *stagger the terms of the initial appointments to the Com-*  
24 *mission in order to assure continuity of operation. Any*  
25 *member of the Commission may serve after the expiration*  
26 *of their term until a successor is appointed. A vacancy shall*

1 *be filled in the same manner in which the original appoint-*  
 2 *ment was made.*

3 (d) *TERMINATION.—The Commission shall terminate*  
 4 *10 years after the date of the enactment of this Act.*

5 **SEC. 1006. OPERATION OF THE COMMISSION.**

6 (a) *DUTIES OF THE COMMISSION.—To further the pur-*  
 7 *poses of the Heritage Corridor, the Commission shall—*

8 (1) *prepare and submit a management plan to*  
 9 *the Secretary in accordance with section 7;*

10 (2) *assist units of local government and other*  
 11 *persons in implementing the Approved management*  
 12 *plan by—*

13 (A) *carry out programs and projects that*  
 14 *recognize, protect, and enhance important re-*  
 15 *source values within the Heritage Corridor;*

16 (B) *establishing and maintaining interpre-*  
 17 *tive exhibits and programs within the Heritage*  
 18 *Corridor;*

19 (C) *developing recreational and educational*  
 20 *opportunities in the Heritage Corridor;*

21 (D) *increasing public awareness of and ap-*  
 22 *preciation for the historical, cultural, natural,*  
 23 *and scenic resources of the Heritage Corridor;*

1           (E) protecting and restoring historic sites  
2           and buildings in the Heritage Corridor that are  
3           consistent with heritage corridor themes;

4           (F) ensuring that clear, consistent, and ap-  
5           propriate signs identifying points of public ac-  
6           cess and sites of interest are posted throughout  
7           the Heritage Corridor; and

8           (G) promoting a wide range of partnerships  
9           among governments, organizations, and individ-  
10          uals to further the purposes of the Heritage Cor-  
11          ridor;

12          (3) consider the interests of diverse units of gov-  
13          ernment, business, organizations, and individuals in  
14          the Heritage Corridor in the preparation and imple-  
15          mentation of the management plan;

16          (4) conduct meetings open to the public at least  
17          quarterly regarding the development and implementa-  
18          tion of the management plan;

19          (5) submit an annual report to the Secretary for  
20          any fiscal year in which the Commission receives  
21          Federal funds under this Act, setting forth its accom-  
22          plishments, expenses, and income, including grants  
23          made to any other entities during the year for which  
24          the report is made;

1           (6) *make available for audit for any fiscal year*  
2           *in which it receives Federal funds under this Act, all*  
3           *information pertaining to the expenditure of such*  
4           *funds and any matching funds, and require all agree-*  
5           *ments authorizing expenditures of Federal funds by*  
6           *other organizations, that the receiving organization*  
7           *make available for audit all records and other infor-*  
8           *mation pertaining to the expenditure of such funds;*  
9           *and*

10           (7) *encourage by appropriate means economic*  
11           *viability that is consistent with the purposes of the*  
12           *Heritage Corridor.*

13           (b) *AUTHORITIES.*—*The Commission may, for the pur-*  
14           *poses of preparing and implementing the management*  
15           *plan, use funds made available under this Act to—*

16           (1) *make grants to, and enter into cooperative*  
17           *agreements with the States of South Carolina and*  
18           *Georgia, political subdivisions of those States, a non-*  
19           *profit organization, or any person;*

20           (2) *hire and compensate staff;*

21           (3) *obtain funds from any source including any*  
22           *that are provided under any other Federal law or*  
23           *program; and*

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

1 **SEC. 1007. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—*The management plan for the Her-*  
3 *itage Corridor shall—*

4 (1) *include comprehensive policies, strategies,*  
5 *and recommendations for conservation, funding, man-*  
6 *agement, and development of the Heritage Corridor;*

7 (2) *take into consideration existing State, coun-*  
8 *ty, and local plans in the development of the manage-*  
9 *ment plan and its implementation;*

10 (3) *include a description of actions that govern-*  
11 *ments, private organizations, and individuals have*  
12 *agreed to take to protect the historical, cultural, and*  
13 *natural resources of the Heritage Corridor;*

14 (4) *specify the existing and potential sources of*  
15 *funding to protect, manage, and develop the Heritage*  
16 *Corridor in the first 5 years of implementation;*

17 (5) *include an inventory of the historical, cul-*  
18 *tural, natural, resources of the Heritage Corridor re-*  
19 *lated to the themes of the Heritage Corridor that*  
20 *should be preserved, restored, managed, developed, or*  
21 *maintained;*

22 (6) *recommend policies and strategies for re-*  
23 *source management that consider and detail the ap-*  
24 *plication of appropriate land and water management*  
25 *techniques, including the development of intergovern-*  
26 *mental and interagency cooperative agreements to*

1       *protect the Heritage Corridor's historical, cultural,*  
2       *and natural resources;*

3               *(7) describe a program for implementation of the*  
4       *management plan including plans for resources pro-*  
5       *tection, restoration, construction, and specific com-*  
6       *mitments for implementation that have been made by*  
7       *the Commission or any government, organization, or*  
8       *individual for the first 5 years of implementation;*

9               *(8) include an analysis and recommendations for*  
10       *the ways in which Federal, State, or local programs*  
11       *may best be coordinated to further the purposes of this*  
12       *Act; and*

13               *(9) include an interpretive plan for the Heritage*  
14       *Corridor.*

15       *(b) SUBMITTAL OF MANAGEMENT PLAN.—The Com-*  
16       *mission shall submit the management plan to the Secretary*  
17       *for approval not later than 3 years after funds are made*  
18       *available for this Act.*

19       *(c) FAILURE TO SUBMIT.—If the Commission fails to*  
20       *submit the management plan to the Secretary in accordance*  
21       *with subsection (b), the Heritage Corridor shall not qualify*  
22       *for Federal funding until the management plan is sub-*  
23       *mitted.*

24       *(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT*  
25       *PLAN.—*



1           (1) *IN GENERAL.*—*The Secretary shall approve*  
2 *or disapprove the management plan not later than 90*  
3 *days after receiving the management plan.*

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

7                   (A) *the Commission has afforded adequate*  
8 *opportunity, including public hearings, for pub-*  
9 *lic and governmental involvement in the prepa-*  
10 *ration of the management plan;*

11                   (B) *the resource preservation and interpre-*  
12 *tation strategies contained in the management*  
13 *plan would adequately protect the cultural and*  
14 *historic resources of the Heritage Corridor; and*

15                   (C) *the Secretary has received adequate as-*  
16 *surances from appropriate State and local offi-*  
17 *cial's whose support is needed to ensure the effec-*  
18 *tive implementation of the State and local as-*  
19 *pects of the plan.*

20           (3) *ACTION FOLLOWING DISAPPROVAL.*—*If the*  
21 *Secretary disapproves the management plan, the Sec-*  
22 *retary shall advise the Commission in writing of the*  
23 *reasons therefore and shall make recommendations for*  
24 *revisions to the management plan. The Secretary*

1       *shall approve or disapprove a proposed revision not*  
2       *later than 60 days after the date it is submitted.*

3               (4) *APPROVAL OF AMENDMENTS.—Substantial*  
4       *amendments to the management plan shall be re-*  
5       *viewed and approved by the Secretary in the same*  
6       *manner as provided in the original management*  
7       *plan. The Commission shall not use Federal funds au-*  
8       *thorized by this Act to implement any amendments*  
9       *until the Secretary has approved the amendments.*

10 **SEC. 1008. TECHNICAL AND FINANCIAL ASSISTANCE.**

11       (a) *IN GENERAL.—Upon a request of the Commission,*  
12       *the Secretary may provide technical and financial assist-*  
13       *ance for the development and implementation of the man-*  
14       *agement plan.*

15       (b) *PRIORITY FOR ASSISTANCE.—In providing assist-*  
16       *ance under subsection (a), the Secretary shall give priority*  
17       *to actions that assist in—*

18               (1) *conserving the significant cultural, historical,*  
19       *and natural resources of the Heritage Corridor; and*

20               (2) *providing educational and interpretive op-*  
21       *portunities consistent with the purposes of the Herit-*  
22       *age Corridor.*

23       (c) *SPENDING FOR NON-FEDERAL PROPERTY.—*

1           (1) *IN GENERAL.*—*The Commission may expend*  
2           *Federal funds made available under this Act on non-*  
3           *federally owned property that is—*

4                     (A) *identified in the management plan; or*

5                     (B) *listed or eligible for listing on the Na-*  
6           *tional Register for Historic Places.*

7           (2) *AGREEMENTS.*—*Any payment of Federal*  
8           *funds made pursuant to this Act shall be subject to*  
9           *an agreement that conversion, use, or disposal of a*  
10          *project so assisted for purposes contrary to the pur-*  
11          *poses of this Act, as determined by the Secretary,*  
12          *shall result in a right of the United States to com-*  
13          *ensation of all funds made available to that project*  
14          *or the proportion of the increased value of the project*  
15          *attributable to such funds as determined at the time*  
16          *of such conversion, use, or disposal, whichever is*  
17          *greater.*

18 **SEC. 1009. DUTIES OF OTHER FEDERAL AGENCIES.**

19          *Any Federal agency conducting or supporting activi-*  
20          *ties directly affecting the Heritage Corridor shall—*

21                     (1) *consult with the Secretary and the Commis-*  
22                     *sion with respect to such activities;*

23                     (2) *cooperate with the Secretary and the Com-*  
24                     *mission in carrying out their duties under this Act*  
25                     *and, to the maximum extent practicable, coordinate*

1        *such activities with the carrying out of such duties;*  
2        *and*

3                *(3) to the maximum extent practicable, conduct*  
4        *or support such activities in a manner in which the*  
5        *Commission determines will not have an adverse ef-*  
6        *fect on the Heritage Corridor.*

7        **SEC. 1010. COASTAL HERITAGE CENTERS.**

8        *In furtherance of the purposes of this Act and using*  
9        *the authorities made available under this Act, the Commis-*  
10       *sion shall establish one or more Coastal Heritage Centers*  
11       *at appropriate locations within the Heritage Corridor in*  
12       *accordance with the preferred alternative identified in the*  
13       *Record of Decision for the Low Country Gullah Culture*  
14       *Special Resource Study and Environmental Impact Study,*  
15       *December 2003.*

16       **SEC. 1011. PRIVATE PROPERTY PROTECTION.**

17                *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*  
18       *Act shall be construed to require any private property*  
19       *owner to permit public access (including Federal, State, or*  
20       *local government access) to such private property. Nothing*  
21       *in this Act shall be construed to modify any provision of*  
22       *Federal, State, or local law with regard to public access*  
23       *to or use of private lands.*

24                *(b) LIABILITY.—Designation of the Heritage Corridor*  
25       *shall not be considered to create any liability, or to have*

1 *any effect on any liability under any other law, of any pri-*  
 2 *vate property owner with respect to any persons injured*  
 3 *on such private property.*

4 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*  
 5 *USE.—Nothing in this Act shall be construed to modify any*  
 6 *authority of Federal, State, or local governments to regulate*  
 7 *land use.*

8 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*  
 9 *IN HERITAGE CORRIDOR.—Nothing in this Act shall be con-*  
 10 *strued to require the owner of any private property located*  
 11 *within the boundaries of the Heritage Corridor to partici-*  
 12 *pate in or be associated with the Heritage Corridor.*

13 (e) *EFFECT OF ESTABLISHMENT.—The boundaries*  
 14 *designated for the Heritage Corridor represent the area*  
 15 *within which Federal funds appropriated for the purpose*  
 16 *of this Act shall be expended. The establishment of the Her-*  
 17 *itage Corridor and its boundaries shall not be construed to*  
 18 *provide any nonexisting regulatory authority on land use*  
 19 *within the Heritage Corridor or its viewshed by the Sec-*  
 20 *retary or the management entity.*

21 (f) *NOTIFICATION AND CONSENT OF PROPERTY OWN-*  
 22 *ERS REQUIRED.—No privately owned property shall be pre-*  
 23 *served, conserved, or promoted by the management plan for*  
 24 *the Heritage Corridor until the owner of that private prop-*  
 25 *erty has been notified in writing by the management entity*

1 *and has given written consent for such preservation, con-*  
2 *servation, or promotion to the management entity.*

3 (g) *LANDOWNER WITHDRAWAL.—Any owner of private*  
4 *property included within the boundary of the Heritage Cor-*  
5 *ridor shall have their property immediately removed from*  
6 *within the boundary by submitting a written request to the*  
7 *management entity.*

8 **SEC. 1012. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) *IN GENERAL.—There is authorized to be appro-*  
10 *priated for the purposes of this Act not more than*  
11 *\$1,000,000 for any fiscal year. Not more than a total of*  
12 *\$10,000,000 may be appropriated for the Heritage Corridor*  
13 *under this Act.*

14 (b) *COST SHARE.—Federal funding provided under*  
15 *this Act may not exceed 50 percent of the total cost of any*  
16 *activity for which assistance is provided under this Act.*

17 (c) *IN-KIND CONTRIBUTIONS.—The Secretary may ac-*  
18 *cept in-kind contributions as part of the non-Federal cost*  
19 *share of any activity for which assistance is provided under*  
20 *this Act.*

21 **SEC. 1013. TERMINATION OF AUTHORITY.**

22 *The authority of the Secretary to provide assistance*  
23 *under this Act shall terminate on the day occurring 15*  
24 *years after the date of the enactment of this Act.*

1           **TITLE XI—UTAH TEST AND**  
2           **TRAINING RANGE PROTECTION**

3   **SEC. 1101. SHORT TITLE.**

4           *This title may be cited as the “Utah Test and Training*  
5 *Range Protection Act”.*

6   **SEC. 1102. DEFINITIONS.**

7           *In this title:*

8                   (1) *The term “covered wilderness” means the*  
9 *wilderness area designated by this title and wilder-*  
10 *ness study areas located near lands withdrawn for*  
11 *military use and beneath special use airspace critical*  
12 *to the support of military test and training missions*  
13 *at the Utah Test and Training Range, including the*  
14 *Deep Creek, Fish Springs, Swasey Mountain, Howell*  
15 *Peak, Notch Peak, King Top, Wah Wah Mountain,*  
16 *and Conger Mountain units designated by the De-*  
17 *partment of the Interior.*

18                   (2) *The term “Tribe” means the Skull Valley*  
19 *Band of Goshute Indians.*

20                   (3) *The term “Utah Test and Training Range”*  
21 *means those portions of the military operating area*  
22 *of the Utah Test and Training Area located solely in*  
23 *the State of Utah. The term includes the Dugway*  
24 *Proving Ground.*

1           (4) *The term “Wilderness Act” means Public*  
2           *Law 88–577, approved September 3, 1964 (16 U.S.C.*  
3           *1131 et seq.).*

4 **SEC. 1103. MILITARY OPERATIONS AND OVERFLIGHTS,**  
5           **UTAH TEST AND TRAINING RANGE.**

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

7           (1) *The testing and development of military*  
8           *weapons systems and the training of military forces*  
9           *are critical to ensuring the national security of the*  
10          *United States.*

11          (2) *The Utah Test and Training Range in the*  
12          *State of Utah is a unique and irreplaceable national*  
13          *asset at the core of the test and training mission of*  
14          *the Department of Defense.*

15          (3) *The Cedar Mountain Wilderness Area des-*  
16          *ignated by section 1105, as well as several wilderness*  
17          *study areas, are located near lands withdrawn for*  
18          *military use or are beneath special use airspace crit-*  
19          *ical to the support of military test and training mis-*  
20          *sions at the Utah Test and Training Range.*

21          (4) *The Utah Test and Training Range and spe-*  
22          *cial use airspace withdrawn for military uses create*  
23          *unique management circumstances for the covered*  
24          *wilderness in this title, and it is not the intent of*  
25          *Congress that passage of this title shall be construed*



1       *as establishing a precedent with respect to any future*  
2       *national conservation area or wilderness designation.*

3           (5) *Continued access to the special use airspace*  
4       *and lands that comprise the Utah Test and Training*  
5       *Range, under the terms and conditions described in*  
6       *this section, is a national security priority and is not*  
7       *incompatible with the protection and proper manage-*  
8       *ment of the natural, environmental, cultural, and*  
9       *other resources of such lands.*

10       (b) *OVERFLIGHTS.*—*Nothing in this title or the Wil-*  
11       *derness Act shall preclude low-level overflights and oper-*  
12       *ations of military aircraft, helicopters, missiles, or un-*  
13       *manned aerial vehicles over the covered wilderness, includ-*  
14       *ing military overflights and operations that can be seen or*  
15       *heard within the covered wilderness.*

16       (c) *SPECIAL USE AIRSPACE AND TRAINING ROUTES.*—  
17       *Nothing in this title or the Wilderness Act shall preclude*  
18       *the designation of new units of special use airspace, the ex-*  
19       *pansion of existing units of special use airspace, or the use*  
20       *or establishment of military training routes over the covered*  
21       *wilderness.*

22       (d) *COMMUNICATIONS AND TRACKING SYSTEMS.*—  
23       *Nothing in this title shall prevent any required mainte-*  
24       *nance of existing communications, instrumentation, or elec-*  
25       *tronic tracking systems (or infrastructure supporting such*

1 *systems) or prevent the installation of new communication,*  
2 *instrumentation, or other equipment necessary for effective*  
3 *testing and training to meet military requirements in wil-*  
4 *derness study areas located beneath special use airspace*  
5 *comprising the Utah Test and Training Range, including*  
6 *the Deep Creek, Fish Springs, Swasey Mountain, Howell*  
7 *Peak, Notch Peak, King Top, Wah Wah Mountain, and*  
8 *Conger Mountain units designated by the Department of*  
9 *Interior, so long as the Secretary of the Interior, after con-*  
10 *sultation with the Secretary of the Air Force, determines*  
11 *that the installation and maintenance of such systems,*  
12 *when considered both individually and collectively, comply*  
13 *with section 603 of the Federal Land Policy and Manage-*  
14 *ment Act of 1976 (43 U.S.C. 1782).*

15       *(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in*  
16 *this title or the Wilderness Act shall preclude the continu-*  
17 *ation of the memorandum of understanding in existence as*  
18 *of the date of enactment of this title between the Department*  
19 *of the Interior and the Department of the Air Force with*  
20 *respect to emergency access and response.*

21       *(f) PROHIBITION ON GROUND MILITARY OPER-*  
22 *ATIONS.—Except as provided in subsections (d) and (e),*  
23 *nothing in this section shall be construed to permit a mili-*  
24 *tary operation to be conducted on the ground in covered*  
25 *wilderness in the Utah Test and Training Range unless*

1 *such ground operation is otherwise permissible under Fed-*  
2 *eral law and consistent with the Wilderness Act.*

3 **SEC. 1104. PLANNING PROCESS FOR FEDERAL LANDS IN**  
4 **UTAH TEST AND TRAINING RANGE.**

5 (a) *ANALYSIS OF MILITARY READINESS AND OPER-*  
6 *ATIONAL IMPACTS.*—*The Secretary of the Interior shall de-*  
7 *velop, maintain, and revise land use plans pursuant to sec-*  
8 *tion 202 of the Federal Land Policy and Management Act*  
9 *of 1976 (43 U.S. C. 1712) for Federal lands located in the*  
10 *Utah Test and Training Range in consultation with the*  
11 *Secretary of Defense. As part of the required consultation*  
12 *in connection with a proposed revision of a land use plan,*  
13 *the Secretary of Defense shall prepare and transmit to the*  
14 *Secretary of the Interior an analysis of the military readi-*  
15 *ness and operational impacts of the proposed revision with-*  
16 *in six months of a request from the Secretary of Interior.*

17 (b) *LIMITATION ON RIGHTS-OF-WAYS.*—*The Secretary*  
18 *of the Interior shall not grant or issue any authorizations*  
19 *for rights-of-way under section 501(a)(6) of the Federal*  
20 *Land Policy and Management Act of 1976 (43 U.S.C.*  
21 *1761(a)(6)) upon Federal lands identified as inventory*  
22 *units UTU-020-086, UTU-020-088, UTU-020-095,*  
23 *UTU-020-096, UTU-020-100, UTU-020-101, UTU-020-*  
24 *103, UTU-020-104, UTU-020-105, and UTU-020-110, as*  
25 *generally depicted on the map entitled “Wilderness Inven-*



1 *retary of the Interior shall transmit a map and legal de-*  
2 *scription of the Cedar Mountain Wilderness Area to the*  
3 *Committee on Resources of the House of Representatives*  
4 *and the Committee on Energy and Natural Resources of*  
5 *the Senate.*

6 (2) *The map and legal description shall have the same*  
7 *force and effect as if included in this title, except that the*  
8 *Secretary of the Interior may correct clerical and typo-*  
9 *graphical errors in the map and legal description.*

10 (3) *The map and legal description shall be on file and*  
11 *available for public inspection in the office of the Director*  
12 *of the Bureau of Land Management and the office of the*  
13 *State Director of the Bureau of Land Management in the*  
14 *State of Utah.*

15 (d) *ADMINISTRATION.*—*Subject to valid existing rights*  
16 *and this title, the Cedar Mountain Wilderness Area shall*  
17 *be administered by the Secretary of the Interior in accord-*  
18 *ance with the provisions of the Wilderness Act, except that*  
19 *any reference in such provisions to the effective date of the*  
20 *Wilderness Act (or any similar reference) shall be deemed*  
21 *to be a reference to the date of the enactment of this title.*

22 (e) *LAND ACQUISITION.*—*Any lands or interest in*  
23 *lands within the boundaries of the Cedar Mountain Wilder-*  
24 *ness Area acquired by the United States after the date of*

1 *the enactment of this Act shall be added to and adminis-*  
2 *tered as part of the Cedar Mountain Wilderness Area.*

3 (f) *FISH AND WILDLIFE MANAGEMENT.*—*As provided*  
4 *in section 4(d)(7) of the Wilderness Act (16 U.S.C.*  
5 *1133(d)(7)), nothing in this title shall be construed as af-*  
6 *fecting the jurisdiction of the State of Utah with respect*  
7 *to fish and wildlife on the Federal lands located in that*  
8 *State.*

9 (g) *GRAZING.*—*Within the Cedar Mountain Wilderness*  
10 *Area, the grazing of livestock, where established before the*  
11 *date of the enactment of this title, shall be permitted to con-*  
12 *tinue subject to such reasonable regulations, policies, and*  
13 *practices as the Secretary of the Interior considers nec-*  
14 *essary, as long as such regulations, policies, and practices*  
15 *fully conform with and implement the intent of Congress*  
16 *regarding grazing in such areas, as such intent is expressed*  
17 *in the Wilderness Act, section 101(f) of Public Law 101-*  
18 *628 (104 Stat. 4473), and appendix A of the Report of the*  
19 *Committee on Interior and Insular Affairs to accompany*  
20 *H.R. 2570 of the 101st Congress (H. Rept. 101-405).*

21 (h) *BUFFER ZONES.*—*Congress does not intend for the*  
22 *designation of the Cedar Mountain Wilderness Area to lead*  
23 *to the creation of protective perimeters or buffer zones*  
24 *around the wilderness area. The fact that nonwilderness ac-*  
25 *tivities or uses can be seen or heard within the wilderness*

1 *area shall not, of itself, preclude such activities or uses up*  
 2 *to the boundary of the wilderness area.*

3       (i) *RELEASE FROM WILDERNESS STUDY AREA STA-*  
 4 *TUS.—The lands identified as the Browns Spring*  
 5 *Cherrystem on the map entitled “Proposed Browns Spring*  
 6 *Cherrystem” and dated May 11, 2004, are released from*  
 7 *their status as a wilderness study area, and shall no longer*  
 8 *be subject to the requirements of section 603(c) of the Fed-*  
 9 *eral Land Policy and Management Act of 1976 (43 U.S.C.*  
 10 *1782(c)) pertaining to the management of wilderness study*  
 11 *areas in a manner that does not impair the suitability of*  
 12 *those areas for preservation of wilderness.*

13 **SEC. 1106. IDENTIFICATION OF ADDITIONAL BUREAU OF**  
 14 **LAND MANAGEMENT LAND IN UTAH AS TRUST**  
 15 **LAND FOR SKULL VALLEY BAND OF**  
 16 **GOSHUTES.**

17       (a) *IDENTIFICATION OF TRUST LAND.—The Secretary*  
 18 *of the Interior shall identify approximately 640 additional*  
 19 *acres of Bureau of Land Management land in the State of*  
 20 *Utah to be administered in trust for the benefit of the Skull*  
 21 *Valley Band of Goshutes.*

22       (b) *SPECIAL CONSIDERATIONS.—In identifying the*  
 23 *land under subsection (a), the Secretary of the Interior*  
 24 *shall—*

1           (1) *consult with leaders of the Tribe and the*  
2           *Governor of Utah; and*

3           (2) *ensure that the land has ready access to*  
4           *State or Federal highways and, in the judgment of*  
5           *the Secretary, provides the best opportunities for com-*  
6           *mercial economic development in closest proximity to*  
7           *other lands of the Tribe.*

8           (c) *PLACEMENT IN TRUST.*—*Not later than December*  
9           *31, 2005, the Secretary of the Interior shall place the land*  
10           *identified pursuant to subsection (a) into trust for the pur-*  
11           *poses of economic development for the Tribe. At least 30*  
12           *days before placing the land in trust for the Tribe, the Sec-*  
13           *retary shall publish in the Federal Register legal descrip-*  
14           *tions of the land to be placed in trust.*

15           (d) *MANAGEMENT OF TRUST LAND.*—*The land placed*  
16           *into trust for the Tribe under subsection (c) shall be admin-*  
17           *istered in accordance with laws generally applicable to*  
18           *property held in trust by the United States for Indian*  
19           *Tribes, except that the land shall immediately revert to the*  
20           *administrative control of the Bureau of Land Management*  
21           *if the Tribe sells, or attempts to sell, any part of the land.*

22           (e) *EFFECT.*—*Nothing in this section—*

23           (1) *affects any valid right-of-way, lease, permit,*  
24           *mining claim, grazing permit, water right, or other*  
25           *right or interest of any person or entity (other than*



1       *the United States) in or to the trust land that exists*  
2       *before the date on which the land is placed in trust*  
3       *for the Tribe under subsection (c);*

4             (2) *enlarges, impairs, or otherwise affects a right*  
5       *or claim of the Tribe to any land or interest in land*  
6       *based on Aboriginal or Indian title that exists before*  
7       *the date of the enactment of this title;*

8             (3) *constitutes an express or implied reservation*  
9       *of water or water right for any purpose with respect*  
10       *to the trust land; or*

11            (4) *affects any water right of the Tribe that ex-*  
12       *ists before the date of the enactment of this title.*

13   **SEC. 1107. RELATION TO OTHER LANDS AND LAWS.**

14       (a) *OTHER LANDS.*—*Nothing in this title shall be con-*  
15       *strued to affect any Federal lands located outside of the cov-*  
16       *ered wilderness or the management of such lands.*

17       (b) *CONFORMING REPEAL.*—*Section 2815 of the Na-*  
18       *tional Defense Authorization Act for Fiscal Year 2000 (Pub-*  
19       *lic Law 106–65; 113 Stat. 852) is amended by striking sub-*  
20       *section (d).*

Attest:

Clerk.