

109TH CONGRESS  
1ST SESSION

# H. R. 956

To establish the Freedom's Way National Heritage Area in the States of  
Massachusetts and New Hampshire, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 2005

Mr. OLVER (for himself, Mr. BASS, Mr. BRADLEY of New Hampshire, Mr.  
McGOVERN, Mr. MARKEY, Mr. MEEHAN, and Mr. TIERNEY) introduced  
the following bill; which was referred to the Committee on Resources

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## A BILL

To establish the Freedom's Way National Heritage Area  
in the States of Massachusetts and New Hampshire,  
and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds as follows:

8 (1) The cultural and natural legacies of an area  
9 encompassing 37 communities in Massachusetts and

1 8 communities in New Hampshire have made impor-  
2 tant and distinctive contributions to the national  
3 character of America.

4 (2) Recognizing and protecting those legacies  
5 will help sustain the quality of life in the future.

6 (3) Significant legacies of the area include—

7 (A) the early settlement of the United  
8 States and the early evolution of democratic  
9 forms of government;

10 (B) the development of intellectual tradi-  
11 tions of the philosophies of freedom, democracy,  
12 and conservation;

13 (C) the evolution of social ideas and reli-  
14 gious freedom;

15 (D) the role of immigrants and industry in  
16 contributing to ethnic diversity;

17 (E) Native American and African Amer-  
18 ican resources; and

19 (F) the role of innovation and invention in  
20 cottage industries.

21 (4) The communities in the area know the value  
22 of the legacies but need a cooperative framework  
23 and technical assistance to achieve important goals  
24 by working together.

1           (5) There is a Federal interest in supporting  
2 the development of a regional framework to assist  
3 the States, local governments, local organizations,  
4 and other persons in the region with conserving, pro-  
5 tecting, and bringing recognition to the heritage of  
6 the area for the educational and recreational benefit  
7 of future generations of Americans.

8           (6) Significant examples of the area’s resources  
9 include—

10                   (A) Walden Pond State Reservation in  
11 Concord, Massachusetts;

12                   (B) Minute Man National Historical Park  
13 in the State of Massachusetts;

14                   (C) Shaker Villages in Shirley and Har-  
15 vard in the State of Massachusetts;

16                   (D) Wachusett Mountain State Reserva-  
17 tion, Fitchburg Art Museum, and Barrett  
18 House in New Ipswich, New Hampshire; and

19                   (E) Beaver Brook Farms and Lost City of  
20 Monson in Hollis, New Hampshire.

21           (7) The study entitled “Freedom’s Way Herit-  
22 age Area Feasibility Study”, prepared by the Free-  
23 dom’s Way Heritage Association, Inc., and the Mas-  
24 sachusetts Department of Environmental Manage-  
25 ment, demonstrates that there are sufficient nation-

1 ally distinctive historical resources necessary to es-  
2 tablish the Freedom’s Way National Heritage Area.

3 (8) The Freedom’s Way Heritage Association,  
4 Inc., should oversee the development of the Free-  
5 dom’s Way National Heritage Area.

6 (b) PURPOSES.—The purposes of this Act are—

7 (1) to foster a close working relationship be-  
8 tween the Secretary and all levels of government, the  
9 private sector, and local communities in the States  
10 of Massachusetts and New Hampshire;

11 (2) to assist the entities referred to in para-  
12 graph (1) in preserving the special historic identity  
13 of the Heritage Area; and

14 (3) to manage, preserve, protect, and interpret  
15 the cultural, historical, and natural resources of the  
16 Heritage Area for the educational and inspirational  
17 benefit of future generations.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) HERITAGE AREA.—The term “Heritage  
21 Area” means the Freedom’s Way National Heritage  
22 Area established by section 4(a).

23 (2) MANAGEMENT ENTITY.—The term “man-  
24 agement entity” means the management entity for  
25 the Heritage Area designated by section 4(d).

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

4           (4) MAP.—The term “Map” means the map en-  
5           titled “\_\_\_\_\_”, numbered  
6           \_\_\_\_\_ and dated  
7           \_\_\_\_\_.

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

10 **SEC. 4. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

11           (a) ESTABLISHMENT.—There is established the Free-  
12           dom’s Way National Heritage Area in the States of Mas-  
13           sachusetts and New Hampshire.

14           (b) BOUNDARIES.—

15           (1) IN GENERAL.—The Heritage Area shall  
16           consist of the land within the boundaries of the Her-  
17           itage Area, as depicted on the Map.

18           (2) REVISION.—The boundaries of the Heritage  
19           Area may be revised if the revision is—

20                   (A) proposed in the management plan;

21                   (B) approved by the Secretary in accord-  
22                   ance with section 5(c); and

23                   (C) placed on file in accordance with sub-  
24                   section (c).

25           (c) MAP AND LEGAL DESCRIPTION.—

1           (1) IN GENERAL.—As soon as practicable after  
2           the date of the enactment of this Act, the Secretary  
3           shall publish in the Federal Register a legal descrip-  
4           tion of the Heritage Area.

5           (2) AVAILABILITY.—The Map shall be on file  
6           and available for public inspection in the appropriate  
7           offices of the National Park Service.

8           (d) MANAGEMENT ENTITY.—The Freedom’s Way  
9           Heritage Association, Inc. shall serve as the management  
10          entity for the Heritage Area.

11 **SEC. 5. MANAGEMENT PLAN.**

12          (a) IN GENERAL.—Not later than 3 years after the  
13          date of the enactment of this Act, the management entity  
14          shall develop and submit to the Secretary for approval a  
15          management plan for the Heritage Area that presents  
16          comprehensive recommendations and strategies for the  
17          conservation, funding, management, and development of  
18          the Heritage Area.

19          (b) REQUIREMENTS.—The management plan shall—

20                (1) take into consideration and coordinate Fed-  
21                eral, State, and local plans to present a unified his-  
22                toric preservation and interpretation plan;

23                (2) involve residents, public agencies, and pri-  
24                vate organizations in the Heritage Area;

1           (3) describe actions that units of government  
2           and private organizations recommend for the protec-  
3           tion of the resources of the Heritage Area;

4           (4) identify existing and potential sources of  
5           Federal and non-Federal funding for the conserva-  
6           tion, management, and development of the Heritage  
7           Area; and

8           (5) include—

9           (A) an inventory of the cultural, historic,  
10           natural, or recreational resources contained in  
11           the Heritage Area, including a list of property  
12           that—

13                   (i) is related to the themes of the  
14                   Heritage Area; and

15                   (ii) should be conserved, restored,  
16                   managed, developed, or maintained;

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

19                   (i) apply appropriate land and water  
20                   management techniques;

21                   (ii) develop intergovernmental cooper-  
22                   ative agreements to manage and protect  
23                   the cultural, historic, and natural resources  
24                   and recreation opportunities of the Herit-  
25                   age Area; and

1 (iii) support economic revitalization  
2 efforts;

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

5 (i) identifies the roles of agencies and  
6 organizations that are involved in the im-  
7 plementation of the management plan and  
8 the role of the management entity; and

9 (ii) includes—

10 (I) restoration and construction  
11 plans or goals;

12 (II) a program of public involve-  
13 ment;

14 (III) annual work plans; and

15 (IV) annual reports;

16 (D) an analysis of ways in which Federal,  
17 State, and local programs may best be coordi-  
18 nated to promote the purposes of this Act;

19 (E) an interpretive and educational plan  
20 for the Heritage Area;

21 (F) any revisions proposed by the manage-  
22 ment entity to the boundaries of the Heritage  
23 Area and requested by the affected local gov-  
24 ernment; and

1           (G) a process to provide public access to  
2           the management entity for the purpose of at-  
3           tempting to resolve informally any disputes  
4           arising from the management plan.

5           (c) FAILURE TO SUBMIT.—If the management entity  
6 fails to submit the management plan to the Secretary in  
7 accordance with subsection (a), the Heritage Area shall  
8 no longer qualify for Federal funding.

9           (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT  
10 PLAN.—

11           (1) IN GENERAL.—Not later than 90 days after  
12 receipt of the management plan under subsection  
13 (a), the Secretary shall approve or disapprove the  
14 management plan.

15           (2) CRITERIA.—In determining whether to ap-  
16 prove the management plan, the Secretary shall con-  
17 sider whether—

18           (A) the management entity afforded ade-  
19 quate opportunity, including public hearings,  
20 for public and governmental involvement in the  
21 preparation of the management plan;

22           (B) the resource protection and interpreta-  
23 tion strategies contained in the management  
24 plan would adequately protect the cultural and  
25 historic resources of the Heritage Area; and

1           (C) the Secretary has received adequate  
2           assurances from the appropriate State and local  
3           officials whose support is needed to ensure the  
4           effective implementation of the State and local  
5           aspects of the management plan.

6           (3) ACTION FOLLOWING DISAPPROVAL.—If the  
7           Secretary disapproves the management plan under  
8           paragraph (1), the Secretary shall—

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

11                   (B) make recommendations for revisions to  
12                  the management plan; and

13                   (C) not later than 60 days after the receipt  
14                  of any proposed revision of the management  
15                  plan from the management entity, approve or  
16                  disapprove the proposed revision.

17           (e) AMENDMENTS.—

18                   (1) IN GENERAL.—In accordance with sub-  
19                  section (b), the Secretary shall approve or dis-  
20                  approve each amendment to the management plan  
21                  that the Secretary determines may make a substan-  
22                  tial change to the management plan.

23                   (2) USE OF FUNDS.—Funds made available  
24                  under this Act shall not be expended by the manage-  
25                  ment entity to implement an amendment described

1 in paragraph (1) until the Secretary approves the  
2 amendment.

3 **SEC. 6. AUTHORITIES, DUTIES, AND PROHIBITIONS OF THE**  
4 **MANAGEMENT ENTITY.**

5 (a) **AUTHORITIES.**—The Management Entity may,  
6 for purposes of preparing and implementing the manage-  
7 ment plan, use funds made available under this Act to—

8 (1) make grants to, and enter into cooperative  
9 agreements with, the States of Massachusetts and  
10 New Hampshire (including a political subdivision), a  
11 nonprofit organization, or any person;

12 (2) hire and compensate staff;

13 (3) obtain funds from any source (including a  
14 program that has a cost-sharing requirement); and

15 (4) contract for goods and services.

16 (b) **DUTIES OF THE MANAGEMENT ENTITY.**—In ad-  
17 dition to developing the management plan, the manage-  
18 ment entity shall—

19 (1) give priority to the implementation of ac-  
20 tions, goals, and strategies set forth in the manage-  
21 ment plan, including assisting units of government  
22 and other persons in—

23 (A) carrying out the programs that recog-  
24 nize and protect important resource values in  
25 the Heritage Area;

1 (B) encouraging economic viability in the  
2 Heritage Area in accordance with the goals of  
3 the management plan;

4 (C) establishing and maintaining interpre-  
5 tive exhibits in the Heritage Area;

6 (D) developing recreational and edu-  
7 cational opportunities in the Heritage Area;

8 (E) increasing public awareness of and ap-  
9 preciation for the cultural, historical, and nat-  
10 ural resources of the Heritage Area;

11 (F) restoring historic buildings that are—

12 (i) located in the Heritage Area; and

13 (ii) relate to the themes of the Herit-  
14 age Area; and

15 (G) installing throughout the Heritage  
16 Area clear, consistent, and appropriate signs  
17 identifying public access points and sites of in-  
18 terest;

19 (2) prepare and implement the management  
20 plan while considering the interests of diverse units  
21 of government, businesses, private property owners,  
22 and nonprofit groups within the Heritage Area;

23 (3) conduct public meetings at least quarterly  
24 regarding the development and implementation of  
25 the management plan;

1           (4) for any fiscal year for which Federal funds  
2 are received under this Act—

3           (A) submit to the Secretary a report that  
4 describes, for the year—

5           (i) the accomplishments of the man-  
6 agement entity;

7           (ii) the expenses and income of the  
8 management entity; and

9           (iii) each entity to which a grant was  
10 made;

11          (B) make available for audit by Congress,  
12 the Secretary, and appropriate units of govern-  
13 ment, all records pertaining to the expenditure  
14 of the funds and any matching funds; and

15          (C) require, for all agreements authorizing  
16 expenditure of Federal funds by any entity,  
17 that the receiving entity make available for  
18 audit all records pertaining to the expenditure  
19 of the funds.

20          (c) PROHIBITION ON THE ACQUISITION OF REAL  
21 PROPERTY.—The management entity shall not use Fed-  
22 eral funds made available under this Act to acquire real  
23 property or any interest in real property.

1 **SEC. 7. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
2 **FEDERAL AGENCIES.**

3 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

4 (1) IN GENERAL.—On the request of the man-  
5 agement entity, the Secretary may provide technical  
6 and financial assistance for the development and im-  
7 plementation of the management plan.

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

11 (A) conserving the significant cultural, his-  
12 toric, and natural resources of the Heritage  
13 Area; and

14 (B) providing educational, interpretive, and  
15 recreational opportunities consistent with the  
16 purposes of the Heritage Area.

17 (3) SPENDING FOR NON-FEDERAL PROPERTY.—

18 The management entity may expend Federal funds  
19 made available under this Act on nonfederally owned  
20 property that is—

21 (A) identified in the management plan; or

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

24 (4) OTHER ASSISTANCE.—The Secretary may  
25 enter into cooperative agreements with public and  
26 private organizations to carry out this subsection.

1 (b) OTHER FEDERAL AGENCIES.—Any Federal enti-  
2 ty conducting or supporting an activity that directly af-  
3 fects the Heritage Area shall—

4 (1) consider the potential effect of the activity  
5 on the purposes of the Heritage Area and the man-  
6 agement plan;

7 (2) consult with the management entity regard-  
8 ing the activity; and

9 (3) to the maximum extent practicable, conduct  
10 or support the activity to avoid adverse effects on  
11 the Heritage Area.

12 **SEC. 8. LAND USE REGULATION; APPLICABILITY OF FED-**  
13 **ERAL LAW.**

14 (a) LAND USE REGULATION.—

15 (1) IN GENERAL.—The management entity  
16 shall provide assistance and encouragement to State  
17 and local governments, private organizations, and  
18 persons to protect and promote the resources and  
19 values of the Heritage Area.

20 (2) EFFECT.—Nothing in this Act—

21 (A) affects the authority of the State or  
22 local governments to regulate under law any use  
23 of land; or

24 (B) grants any power of zoning or land use  
25 to the management entity.

1 (b) PRIVATE PROPERTY.—

2 (1) IN GENERAL.—The management entity  
3 shall be an advocate for land management practices  
4 consistent with the purposes of the Heritage Area.

5 (2) EFFECT.—Nothing in this Act—

6 (A) abridges the rights of any person with  
7 regard to private property;

8 (B) affects the authority of the State or  
9 local government regarding private property; or

10 (C) imposes any additional burden on any  
11 property owner.

12 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

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

20 **SEC. 10. TERMINATION OF AUTHORITY.**

21 The authority of the Secretary to provide assistance  
22 under this Act terminates on the date that is 15 years  
23 after the date of the enactment of this Act.

○