

110TH CONGRESS  
1ST SESSION

# H. R. 1145

To establish the Muscle Shoals National Heritage Area in the State of Alabama, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

Mr. CRAMER (for himself and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the Muscle Shoals National Heritage Area in the State of Alabama, 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 “Muscle Shoals Na-  
5 tional Heritage Area Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Muscle Shoals area in Northwest Ala-  
9 bama is a region rich in natural and cultural his-  
10 tory.

1           (2) The Muscle Shoals area is defined by its  
2 distinctive geography, especially the Wilson Dam, a  
3 National Historic Landmark.

4           (3) The Muscle Shoals National Heritage Area  
5 feasibility study includes the counties of Colbert,  
6 Franklin, Lauderdale, Lawrence, Limestone, and  
7 Morgan, in Northwest Alabama.

8           (4) Muscle Shoals is the birthplace of the Ten-  
9 nessee Valley Authority, notable for power genera-  
10 tion and the creation of recreational lakes.

11           (5) The Tennessee River at Muscle Shoals is  
12 important in having shaped western expansion and  
13 cultural development of the United States.

14           (6) The Muscle Shoals area drew the remark-  
15 able military and entrepreneurial service of the Gen-  
16 eral Wheeler family.

17           (7) The Muscle Shoals area was the birthplace  
18 of Helen Keller, a celebrated symbol of inspiration  
19 for persons overcoming disabilities.

20           (8) The Muscle Shoals area was the home of  
21 William Christopher “W.C.” Handy, the first musi-  
22 cian to identify, arrange, publish, and popularize the  
23 “blues” musical genre.

1           (9) The world-renowned “Muscle Shoals sound”  
2           left an indelible impression on the development of  
3           music in the United States.

4 **SEC. 3. DEFINITIONS.**

5           In this Act:

6           (1) HERITAGE AREA.—The term “Heritage  
7           Area” means the Muscle Shoals National Heritage  
8           Area, established in section 4.

9           (2) LOCAL COORDINATING ENTITY.—The term  
10          “local coordinating entity” means the local coordi-  
11          nating entity for the Heritage Area designated by  
12          section 4(d).

13          (3) MANAGEMENT PLAN.—The term “manage-  
14          ment plan” means the management plan for the  
15          Heritage Area specified in section 5.

16          (4) MAP.—The term “map” means the map ti-  
17          tled “Boundary Map Muscle Shoals National Herit-  
18          age Area-Alternative \_\_\_\_\_”, numbered \_\_\_\_\_,  
19          and dated\_\_\_\_\_.

20          (5) SECRETARY.—The term “Secretary” means  
21          the Secretary of the Interior.

22          (6) STATE.—The term “State” means the State  
23          of Alabama.

1 **SEC. 4. MUSCLE SHOALS NATIONAL HERITAGE AREA.**

2 (a) ESTABLISHMENT.—There is established the Mus-  
3 cle Shoals National Heritage Area.

4 (b) BOUNDARIES.—The National Heritage Area shall  
5 be comprised of—

6 (1) the counties of Colbert, Franklin, Lauder-  
7 dale, Lawrence, Limestone, and Morgan;

8 (2) the Wilson Dam;

9 (3) the Handy Home; and

10 (4) the Helen Keller birthplace.

11 (c) AVAILABILITY OF MAP.—The map shall be on file  
12 and available for public inspection in the appropriate of-  
13 fices of the National Park Service, Department of the In-  
14 terior.

15 (d) LOCAL COORDINATING ENTITY.—The Muscle  
16 Shoals Regional Center shall be the local coordinating en-  
17 tity for the Heritage Area.

18 **SEC. 5. LOCAL COORDINATING ENTITY.**

19 (a) IN GENERAL.—The local coordinating entity shall  
20 be governed by a board of directors composed of at least  
21 6 members, one resident from each of Colbert, Lauder-  
22 dale, Franklin, Lawrence, Morgan, and Limestone coun-  
23 ties, Alabama, the counties included in the Muscle Shoals  
24 National Heritage.

25 (b) DUTIES.—To further the purposes of the Herit-  
26 age Area, the local coordinating entity shall—

1           (1) prepare and submit a management plan for  
2 the Heritage Area to the Secretary in accordance  
3 with section 6;

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

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

11                   (B) establishing and maintaining interpre-  
12 tive exhibits and programs within the Heritage  
13 Area;

14                   (C) developing recreational and educational  
15 opportunities in the Heritage Area;

16                   (D) increasing public awareness of and ap-  
17 preciation for natural, historical, scenic, and  
18 cultural resources of the Heritage Area;

19                   (E) protecting and restoring historic sites  
20 and buildings in the Heritage Area that are  
21 consistent with heritage area themes;

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

1           (G) promoting a wide range of partner-  
2           ships among governments, organizations, and  
3           individuals to further the purposes of the Herit-  
4           age Area;

5           (3) consider the interests of diverse units of  
6           government, businesses, organizations, and individ-  
7           uals in the Heritage Area in the preparation and im-  
8           plementation of the management plan;

9           (4) conduct meetings open to the public at least  
10          semi-annually regarding the development and imple-  
11          mentation of the management plan;

12          (5) submit an annual report to the secretary for  
13          any fiscal year in which the local coordinating entity  
14          receives Federal funds under this Act specifying—

15               (A) the specific performance goals and ac-  
16               complishments of the local coordinating entity;

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

19               (C) the amounts and sources of matching  
20               funds;

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

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

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 in all  
5           agreements authorizing expenditures of Federal  
6           funds by other organizations, that the receiving or-  
7           ganizations make available for such audit all records  
8           and other information pertaining to the expenditure  
9           of such funds; and

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

13           (c) AUTHORITIES.—The local coordinating entity  
14           may, for the purposes of preparing and implementing the  
15           management plan for the Heritage Area, use Federal  
16           funds made available through this Act to—

17           (1) make grants to the State of Alabama, its  
18           political subdivisions, nonprofit organizations, and  
19           other persons;

20           (2) enter into cooperative agreements with or  
21           provide technical assistance to the State of Alabama,  
22           its political jurisdictions, nonprofit organizations,  
23           Federal agencies, and other interested parties;

24           (3) hire and compensate staff, which shall in-  
25           clude individuals with expertise in natural, cultural,

1 and historical resources protection, economic and  
2 community development, and heritage planning;

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

6 (5) contract for goods or services; and

7 (6) support activities of partners and any other  
8 activities that further the purposes of the Heritage  
9 Area and that are consistent with the approved man-  
10 agement plan.

11 (d) PROHIBITIONS ON THE ACQUISITION OF REAL  
12 PROPERTY.—The local coordinating entity may not use  
13 Federal funds received under this Act to acquire real prop-  
14 erty, but may use any other source of funding, including  
15 other Federal funding outside this authority, intended for  
16 the acquisition of real property.

17 **SEC. 6. MANAGEMENT PLAN.**

18 (a) IN GENERAL.—The management plan for the  
19 Heritage Area shall—

20 (1) include comprehensive policies, strategies,  
21 and recommendations for conservation, funding,  
22 management, and development of the Heritage Area;

23 (2) take into consideration existing State, coun-  
24 ty, and local plans in the development of the man-  
25 agement plan and its implementation;



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

5           (4) specify the existing and potential sources of  
6           funding or economic development strategies to pro-  
7           tect, manage, and develop the Heritage Area;

8           (5) include an inventory of the natural, histor-  
9           ical, cultural, educational, scenic, and recreational  
10          resources of the Heritage Area related to the themes  
11          of the Heritage Area that should be preserved, re-  
12          stored, managed, developed, or maintained;

13          (6) recommend policies and strategies for re-  
14          source management that consider and detail the ap-  
15          plication of appropriate land and water management  
16          techniques including, but not limited to, the develop-  
17          ment of intergovernmental and interagency coopera-  
18          tive agreements to protect the Heritage Area's nat-  
19          ural, historical, cultural, educational, scenic, and rec-  
20          reational resources;

21          (7) describe a program of implementation for  
22          the management plan, including performance goals,  
23          plans for resource protection, restoration, interpreta-  
24          tion, enhancement, management, and development,  
25          and specific commitments for implementation that

1 have been made by the local coordinating entity or  
2 any government, organization, or individual;

3 (8) include an analysis and recommendations  
4 for ways in which local, State, and Federal pro-  
5 grams, including the role of the National Park Serv-  
6 ice in the Heritage Area, may best be coordinated to  
7 further the purposes of this Act;

8 (9) include an interpretive plan for the Heritage  
9 Area; and

10 (10) include a business plan that—

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

15 (B) provides adequate assurances that the  
16 local coordinating entity has the partnerships  
17 and financial and other resources necessary to  
18 implement the management plan for the Herit-  
19 age Area.

20 (b) DEADLINE AND TERMINATION OF FUNDING.—

21 (1) DEADLINE.—The local coordinating entity  
22 shall submit the management plan to the Secretary  
23 for approval within 3 years after funds are made  
24 available for this Act.

1           (2) TERMINATION OF FUNDING.—If the man-  
2           agement plan is not submitted to the Secretary in  
3           accordance with this subsection, the local coordi-  
4           nating entity shall not qualify for Federal funding  
5           under this Act until such time as the management  
6           plan is submitted to and approved by the Secretary.

7 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

8           (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

9           (1) IN GENERAL.—The Secretary may, upon  
10          the request of the local coordinating entity, provide  
11          technical and financial assistance on a reimbursable  
12          or non-reimbursable basis (as determined by the  
13          Secretary) to the Heritage Area to develop and im-  
14          plement the approved management plan. The Sec-  
15          retary is authorized to enter into cooperative agree-  
16          ments with the local coordinating entity and other  
17          public or private entities for this purpose.

18          (2) PRIORITY ACTIONS.—In assisting the Herit-  
19          age Area, the Secretary shall give priority to actions  
20          that in general assist in—

21                 (A) conserving the significant natural, his-  
22                 torical, cultural, and scenic resources of the  
23                 Heritage Area; and

1 (B) providing educational, interpretive, and  
2 recreational opportunities consistent with the  
3 purposes of 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  
8 180 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 local coordinating entity is rep-  
13 resentative of the diverse interests of the Herit-  
14 age Area, including governments, natural and  
15 historic resource protection organizations, edu-  
16 cational institutions, businesses, and rec-  
17 reational organizations;

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

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

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

3 (D) the Secretary has received adequate  
4 assurances from the appropriate State and local  
5 officials whose support is needed to ensure the  
6 effective implementation of the State and local  
7 aspects of the management plan; and

8 (E) the local coordinating entity has dem-  
9 onstrated the financial capability, in partner-  
10 ship with others, to carry out the plan.

11 (3) ACTION FOLLOWING DISAPPROVAL.—If the  
12 Secretary disapproves the management plan, the  
13 Secretary shall advise the local coordinating entity in  
14 writing of the reasons therefore and shall make rec-  
15 ommendations for revisions to the management plan.  
16 The Secretary shall approve or disapprove a pro-  
17 posed revision within 180 days after the date it is  
18 submitted.

19 (4) APPROVAL OF AMENDMENTS.—Substantial  
20 amendments to the management plan shall be re-  
21 viewed by the Secretary and approved in the same  
22 manner as provided for the original management  
23 plan. The local coordinating entity shall not use  
24 Federal funds authorized by this Act to implement

1 any amendments until the Secretary has approved  
2 the amendments.

3 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

4 (a) IN GENERAL.—This Act shall not affect the au-  
5 thority of any Federal official to provide technical or fi-  
6 nancial assistance under any other law.

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

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

14 (1) modifies, alters, or amends any law or regu-  
15 lation authorizing a Federal agency to manage Fed-  
16 eral land under the jurisdiction of the Federal agen-  
17 cy;

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

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

1 **SEC. 9. PROPERTY OWNERS AND REGULATORY PROTEC-**  
2 **TIONS.**

3 (a) NO EFFECT ON PRIVATE PROPERTY.—Nothing  
4 in this subtitle shall be construed—

5 (1) to modify, enlarge, or diminish any author-  
6 ity of Federal, State, or local governments to regu-  
7 late any use of privately owned lands; or

8 (2) to grant the local coordinating entity any  
9 authority to regulate the use of privately owned  
10 lands.

11 (b) AUTHORITY OF GOVERNMENTS.—Nothing in this  
12 subtitle shall—

13 (1) modify, enlarge, or diminish any authority  
14 of Federal, State, tribal, or local governments to  
15 manage or regulate any use of land as provided for  
16 by law or regulation; or

17 (2) authorize the local coordinating entity to as-  
18 sume any management authorities over such lands.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-  
21 priated for the purposes of this Act \$10,000,000, of which  
22 not more than \$1,000,000 shall be made available for any  
23 fiscal year.

24 (b) MATCHING FUNDS.—Federal funding provided  
25 under this Act may not exceed 50 percent of the total cost

1 of any assistance or grant provided or authorized under  
2 this Act.

3 (c) ADMINISTRATIVE COSTS.—The local coordinating  
4 entity may not expend more than 15 percent of funds  
5 made available under this Act for administrative costs.

6 **SEC. 11. SUNSET.**

7 The authority of the Secretary to provide financial  
8 assistance under this Act shall terminate on the day occur-  
9 ring 15 years after the date of the enactment of this Act.

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