

110TH CONGRESS
1ST SESSION

H. R. 1270

To establish the Journey Through Hallowed Ground National Heritage Area Education and Tourism Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2007

Mr. BARTLETT of Maryland introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Journey Through Hallowed Ground National Heritage Area Education and Tourism Act, 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; DEFINITIONS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Journey Through Hallowed Ground National Heritage
6 Area Education and Tourism Act of 2007”.

7 (b) **DEFINITIONS.**—For the purposes of this Act, the
8 following definitions apply:

9 (1) **HERITAGE AREA.**—The terms “Heritage
10 Area” means the Journey Through Hallowed

1 Ground National Heritage Area established by sec-
2 tion 3.

3 (2) MANAGEMENT ENTITY.—The term “man-
4 agement entity” means The Journey Through Hal-
5 lowed Ground Partnership, a Virginia nonprofit cor-
6 poration, or its successor entity.

7 (3) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the management plan for the
9 Heritage Area specified in section 4(b).

10 (4) PARTNER.—The term “partner” means—

11 (A) a Federal, State, or local governmental
12 entity; and

13 (B) an organization, private industry, or
14 individual involved in promoting the historical,
15 cultural, and recreational resources of the Her-
16 itage Area.

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

19 (6) PARTICIPATING LOCALITY.—The term “par-
20 ticipating locality” means a unit of local government
21 which has formally requested to be included in the
22 Heritage Area, and has sent notification of such
23 pursuant to section 4(c)(1)(D).

24 **SEC. 2. PURPOSE.**

25 The purposes of the Heritage Area are—

1 (1) to support, and interpret the legacy of the
2 history of the United States created along the Herit-
3 age Area;

4 (2) to promote heritage, cultural, and rec-
5 reational tourism and to develop educational and
6 cultural programs for visitors and the general public;

7 (3) to recognize and interpret important events
8 and geographic locations representing key develop-
9 ments in the creation of the United States, including
10 Native American, Colonial American, European
11 American, and African American heritage;

12 (4) to recognize and interpret the effect of the
13 Civil War on the civilian population of the Heritage
14 Area during the war and post-war reconstruction pe-
15 riod; and

16 (5) to assist the Commonwealth of Virginia, the
17 State of Maryland, the Commonwealth of Pennsyl-
18 vania, the State of West Virginia, and their units of
19 local government, the private sector, and area citi-
20 zens in supporting, enhancing, and interpreting the
21 significant historic, cultural, and recreational sites in
22 the Heritage Area.

1 **SEC. 3. JOURNEY THROUGH HALLOWED GROUND NA-**
2 **TIONAL HERITAGE AREA.**

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

6 (b) REGION ELIGIBLE FOR INCLUSION IN THE HER-
7 ITAGE AREA.—

8 (1) IN GENERAL.—The Heritage Area may con-
9 sist of the 175-mile region generally following the
10 Route 15 corridor and surrounding areas from
11 Adams County, Pennsylvania, through Frederick
12 County, Maryland, looping through Brunswick,
13 Maryland, to Harpers Ferry, West Virginia, back
14 through Loudoun County, Virginia, to the Route 15
15 corridor encompassing portions of Loudoun and
16 Prince William Counties, Virginia, Fauquier County,
17 Virginia, portions of Spotsylvania and Madison
18 Counties, Virginia, and Culpeper, Rappahannock,
19 Orange, and Albemarle Counties, Virginia. The
20 boundaries of the Heritage Area may include the
21 participating localities contained within the map en-
22 titled “The Journey Through Hallowed Ground Na-
23 tional Heritage Area,” numbered P90/80,000 and
24 dated October 2006.

1 (2) MAP.—The map referred to in paragraph
2 (1) shall be on file in the appropriate offices of the
3 National Park Service.

4 (3) PUBLICATION.—As soon as practical after
5 the date of the enactment of this Act, the Secretary
6 shall publish in the Federal Register a detailed de-
7 scription and map of the participating localities es-
8 tablished under this subsection.

9 (c) MANAGEMENT ENTITY.—The management entity
10 for the Heritage Area shall be The Journey Through Hal-
11 lowed Ground Partnership, which shall include representa-
12 tives from a broad cross-section of the individuals, agen-
13 cies, organizations, States, and governments.

14 (d) BOARD OF TRUSTEES.— Membership on the
15 board of trustees of the management entity shall be open
16 to the public and include representatives from a broad
17 cross-section of individuals, agencies, organizations,
18 States, and governments participating in the Heritage
19 Area that will oversee the development of the management
20 plan.

21 **SEC. 4. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-**
22 **TY.**

23 (a) AUTHORITIES OF THE MANAGEMENT ENTITY.—

24 (1) AUTHORITY TO ACCEPT FUNDS.—The man-
25 agement entity may accept funds from any non-Fed-

1 eral source, including States and their political sub-
2 divisions, private organizations, nonprofit organiza-
3 tions, or any other person, to carry out its duties
4 under this Act.

5 (2) USE OF FUNDS.—The management entity
6 may use funds to prepare, update, and implement
7 the management plan developed under subsection
8 (b). The management entity may not make grants to
9 States or their political subdivisions. The manage-
10 ment entity may use funds for other purposes, in-
11 cluding the following:

12 (A) Making grants to, and entering into
13 cooperative agreements with, private organiza-
14 tions, nonprofit organizations, or any other pri-
15 vate individual.

16 (B) Hiring and compensating staff.

17 (C) Entering into contracts for goods and
18 services related to the production of maps, bro-
19 chures, and other educational and promotional
20 materials.

21 (3) MEETINGS.—All meetings conducted by the
22 management entity shall be open to the public and
23 minutes of each meeting shall be made available to
24 the public.

1 (b) MANAGEMENT PLAN.—The management entity
2 shall develop a management plan for the Heritage Area
3 that—

4 (1) presents comprehensive strategies and rec-
5 ommendations for promoting tourism within the
6 Heritage Area and educating the public about the
7 historic significance of the Heritage Area;

8 (2) takes into consideration existing State,
9 county, and local plans and involves residents, public
10 agencies, and private organizations working in the
11 Heritage Area;

12 (3) specifies the existing and potential sources
13 of funding to promote tourism within the Heritage
14 Area;

15 (4) lists participating localities;

16 (5) includes an analysis of ways in which local,
17 State, and Federal programs can be best coordi-
18 nated to promote the purposes of this Act, including
19 recommendations to the Commonwealth of Virginia,
20 the States of Maryland and West Virginia, and the
21 Commonwealth of Pennsylvania (and political sub-
22 divisions thereof) for the promotion, support, and in-
23 terpretation of the natural, cultural, and historical
24 resources of the Heritage Area;

1 (6) includes locations for visitor contact and
2 major interpretive facilities;

3 (7) includes recommendations for appropriate
4 living history demonstrations and battlefield reenact-
5 ments;

6 (8) includes recommendations for implementing
7 a continuing program of interpretation and visitor
8 education concerning the resources and values of the
9 Heritage Area;

10 (9) includes recommendations for a uniform
11 historical marker and wayside exhibit program in
12 the Heritage Area, including a provision for mark-
13 ing, with the consent of the owner, historic struc-
14 tures and properties that are contained within the
15 historic core areas and contribute to the under-
16 standing of the Heritage Area;

17 (10) includes recommendations for the interpre-
18 tation of the natural, cultural, and historic resources
19 of the Heritage Area consistent with this Act; and

20 (11) includes recommendations for the develop-
21 ment of educational outreach programs for students
22 of all ages to further the understanding of the vast
23 resources within the Heritage Area.

24 (c) DEADLINE; TERMINATION OF ASSISTANCE.—

1 (1) DEADLINE.—The management entity shall
2 submit the management plan to the Secretary not
3 later than 2 years after the enactment of this Act.
4 Prior to submitting the draft plan to the Secretary,
5 the management entity shall ensure that—

6 (A) the Commonwealth of Virginia, the
7 States of Maryland and West Virginia, the
8 Commonwealth of Pennsylvania, and any polit-
9 ical subdivision thereof that would be affected
10 by the plan, receive a copy of the draft plan;

11 (B) adequate notice of availability of the
12 draft plan is provided through publication in
13 appropriate local newspapers in the area of the
14 Heritage Area;

15 (C) at least one public hearing conducted
16 by the management entity in each Congres-
17 sional district that is included in the region of
18 potential inclusion of the Heritage Area;

19 (D) each residential and commercial prop-
20 erty owner within a participating locality has
21 been notified, via United States Postal Service
22 first class letter, by the local unit of govern-
23 ment requesting inclusion in the heritage area;
24 and

1 (E) the Board of Trustees of the manage-
2 ment entity has unanimously endorsed the draft
3 plan.

4 (2) TERMINATION OF ASSISTANCE.—If a man-
5 agement plan is not submitted to the Secretary in
6 accordance with this subsection, the Secretary shall
7 not, after that date, provide any assistance under
8 this Act with respect to the Heritage Area until such
9 a management plan for the Heritage Area is sub-
10 mitted to the Secretary.

11 (d) DUTIES OF MANAGEMENT ENTITY.—The man-
12 agement entity shall—

13 (1) give priority to implementing actions set
14 forth in the management plan;

15 (2) assist units of government and nonprofit or-
16 ganizations in—

17 (A) establishing and maintaining interpre-
18 tive materials and exhibits in the Heritage
19 Area;

20 (B) developing historical and cultural re-
21 sources and educational programs in the Herit-
22 age Area;

23 (C) increasing public awareness of and ap-
24 preciation for the natural, historical, and archi-

1 tectural resources and sites in the Heritage
2 Area;

3 (D) restoring any historic building relating
4 to the themes of the Heritage Area; and

5 (E) ensuring that clear signs identifying
6 access points and sites of interest are placed
7 throughout the Heritage Area; and

8 (3) consider the interests of diverse govern-
9 mental, business, and nonprofit groups within the
10 Heritage Area.

11 (e) CONSEQUENCES OF NONCOMPLIANCE.—If the
12 management entity does not comply with the provisions
13 of this Act, it shall cease to be the management entity
14 and its authority as such shall not be recognized, nor shall
15 its management plan or any other work product be used,
16 to implement this Act.

17 **SEC. 5. DUTIES AND AUTHORITIES OF THE SECRETARY.**

18 (a) TECHNICAL ASSISTANCE.—

19 (1) IN GENERAL.—The Secretary may, upon
20 the request of the management entity and subject to
21 the availability of resources, provide technical assist-
22 ance to the management entity to carry out its du-
23 ties under this Act, including updating and imple-
24 menting the management plan that is submitted
25 under section 4(b) and approved by the Secretary

1 and, prior to such approval, providing assistance for
2 initiatives.

3 (2) PRIORITY.—In assisting the management
4 entity, the Secretary shall give priority to actions
5 that assist in the—

6 (A) creation of the management plan;

7 (B) provision of educational assistance and
8 advice regarding promotion of the heritage
9 area; and

10 (C) design and fabrication of a wide range
11 of interpretive materials based on the manage-
12 ment plan, such as guide brochures, visitor dis-
13 plays, audio-visual, books, interpretive dia-
14 logues, interactive exhibits, and educational cur-
15 riculum materials for public education.

16 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
17 PLANS.—The Secretary, in consultation with the Gov-
18 ernors of the Commonwealth of Virginia, the States of
19 Maryland and West Virginia, and the Commonwealth of
20 Pennsylvania, shall approve or disapprove a management
21 plan submitted under this Act not later than 180 days
22 after receiving such plan. In approving the plan, the Sec-
23 retary shall take into consideration the following criteria:

24 (1) The extent to which the management plan,
25 when implemented, would support and promote the

1 significant historical, cultural, and recreational re-
2 sources of the Heritage Area.

3 (2) The level of public participation in the de-
4 velopment of the management plan.

5 (3) The extent to which the board of trustees
6 of the management entity is representative of the
7 local governments affected and a wide range of in-
8 terested organizations and citizens.

9 (c) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
10 retary disapproves a management plan, the Secretary shall
11 advise the management entity in writing of the reasons
12 for the disapproval and shall make recommendations for
13 revisions in the management plan. The Secretary shall ap-
14 prove or disapprove a proposed revision not later than 90
15 days after the date it is submitted.

16 (d) APPROVING CHANGES.—Amendments to the ap-
17 proved management plan for the Heritage Area that make
18 substantial changes shall not be effective until approved
19 by the Secretary under the same timeline as the manage-
20 ment plan was approved.

21 **SEC. 6. SUNSET.**

22 The Secretary may not provide any assistance under
23 this Act after the expiration of the 10-year period begin-
24 ning on the date of the enactment of this Act.

1 **SEC. 7. REQUIREMENTS FOR INCLUSION OF PRIVATE**
2 **PROPERTY.**

3 (a) NOTIFICATION AND CONSENT OF PROPERTY
4 OWNERS REQUIRED.—No privately owned property shall
5 be preserved or promoted under the management plan for
6 the Heritage Area until the owner of that private property
7 has—

8 (1) been notified in writing by the management
9 entity; and

10 (2) given written consent to the management
11 entity for such preservation or promotion.

12 (b) LANDOWNER WITHDRAWAL.—Any owner of pri-
13 vate property included within the boundary of the Herit-
14 age Area shall have their property immediately removed
15 from the boundary by submitting a written request to the
16 management entity.

17 (c) CHANGE OF OWNERSHIP.—If private property in-
18 cluded within the boundary of the Heritage Area has been
19 excluded from the Heritage Area or has not been pre-
20 served or promoted under the management plan for the
21 Heritage Area because the owner has not given or has
22 withdrawn consent, upon change of ownership of that pri-
23 vate property, the management entity may request consent
24 from the new owners.

1 **SEC. 8. PRIVATE PROPERTY PROTECTION.**

2 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
3 this Act 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
9 private 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
16 LAND USE.—Nothing in this Act shall be construed to
17 modify the authority of Federal, State, or local govern-
18 ments to regulate land use.

19 (d) COMPENSATION FOR LOST USE.—If a local gov-
20 ernmental entity within the boundaries of the Heritage
21 Area promulgates new land use regulations following the
22 date of the enactment of this Act that restrict the use of
23 private property, or any interest therein, thereby reducing
24 the value of the property, then that governmental agency
25 shall pay the owner of the property just compensation in
26 an amount no less than the fair market value of the lost

1 use as of the date that the owner makes written request
2 for compensation. The local governmental entity shall
3 compensate the property owner not later than 180 day
4 after receiving the property owners written request for
5 compensation.

6 (e) FAIR MARKET VALUE.—For purposes of this Act,
7 “fair market value” is the price a buyer would be willing
8 to pay for the affected portion of the private property, in-
9 cluding business losses, if such private property was placed
10 on the market by a willing seller. Such fair market value
11 shall be determined by an appraisal by two or more li-
12 censed, independent appraisers. If substantial differences
13 exist between appraisals commissioned by the property
14 owner and by the local governmental entity, fair market
15 value shall either be an amount agreed to by the property
16 owner and the public entity, or by an independent ap-
17 praiser jointly selected by both.

18 (f) FAILURE TO COMPLY.—Any local government en-
19 tity that fails to comply with subsection (d) shall not be
20 eligible to participate in the Heritage Area and shall be
21 barred from receiving any Federal funds for a period of
22 3 years.

23 (g) PARTICIPATION OF PRIVATE PROPERTY OWNERS
24 IN HERITAGE AREA.—Nothing in this Act shall be con-
25 strued to require the owner of any private property located

1 within the boundaries of the Heritage Area to participate
2 in or be associated with the Heritage Area.

3 (h) EFFECT OF ESTABLISHMENT.—The boundaries
4 designated for the Heritage Area represent the area within
5 which specific, eligible localities have been included in the
6 area. The establishment of the Heritage Area and its
7 boundaries shall not be construed to provide any non-
8 existing regulatory authority on land use within the Herit-
9 age Area or its viewshed by the Secretary, the National
10 Park Service, or the management entity.

11 **SEC. 9. FEDERAL ADVISORY COMMITTEE ACT.**

12 (a) IN GENERAL.—The Federal Advisory Committee
13 Act shall not apply to the Board of Trustees of the Herit-
14 age Area.

15 (b) COMPLIANCE.—Notwithstanding subsection (a),
16 the Board of Trustees shall be appointed and operate in
17 a manner consistent with all provisions of the Federal Ad-
18 visory Committee Act with respect to—

19 (1) the balance of its membership;

20 (2) provision of public notice regarding its ac-
21 tivities;

22 (3) open meetings; and

23 (4) public access to documents created by
24 Board of Trustees.

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