

Union Calendar No. 60

110TH CONGRESS
1ST SESSION

H. R. 319

[Report No. 110-95]

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2007

Mr. WOLF (for himself, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. TOM DAVIS of Virginia, Mrs. CAPITO, Mr. SCOTT of Virginia, Mr. PLATTS, Mr. MORAN of Virginia, and Mr. MCCRERY) introduced the following bill; which was referred to the Committee on Natural Resources

APRIL 17, 2007

Additional sponsors: Mr. BOUCHER, Mr. HASTINGS of Florida, Mr. WYNN, Mr. SAXTON, Mr. SOUDER, Mr. POE, Mr. RUPPERSBERGER, Mr. BAKER, Mr. VAN HOLLEN, Mr. SARBANES, and Ms. SCHWARTZ

APRIL 17, 2007

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 5, 2007]

A BILL

To establish the Journey Through Hallowed Ground National
Heritage Area, 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; TABLE OF CONTENTS.**

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

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Purposes.

Sec. 4. Journey Through Hallowed Ground National Heritage Area.

Sec. 5. Authorities and duties of management entity.

Sec. 6. Approval or disapproval of management plan.

Sec. 7. Provision of financial and technical assistance.

Sec. 8. Duties of other Federal entities.

Sec. 9. Sunset for grants and other assistance.

Sec. 10. Private property and regulatory protections.

Sec. 11. Use of Federal funds from other sources.

Sec. 12. Authorization of appropriations.

9 **SEC. 2. DEFINITIONS.**

10 *In this Act:*

11 (1) *HERITAGE AREA.*—*The term “Heritage*
 12 *Area” means the Journey Through Hallowed Ground*
 13 *National Heritage Area.*

14 (2) *MANAGEMENT ENTITY.*—*The term “manage-*
 15 *ment entity” means The Journey Through Hallowed*
 16 *Ground Partnership, a Virginia nonprofit corpora-*
 17 *tion referred to in section 4(c), or its successor entity.*

18 (3) *MANAGEMENT PLAN.*—*The term “manage-*
 19 *ment plan” means the management plan for the Her-*
 20 *itage Area.*

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

2 (A) *a Federal, State, or local governmental*
3 *entity; and*

4 (B) *an organization, private industry, or*
5 *individual involved in promoting the conserva-*
6 *tion and preservation of the historical, cultural,*
7 *and recreational resources of the Heritage Area.*

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

10 **SEC. 3. PURPOSES.**

11 *The purposes of the Journey Through Hallowed*
12 *Ground National Heritage Area include—*

13 (1) *to preserve, support, conserve, and interpret*
14 *the legacy of the American history created along the*
15 *Heritage Area;*

16 (2) *to promote heritage, cultural and rec-*
17 *reational tourism and to develop educational and cul-*
18 *tural programs for visitors and the general public;*

19 (3) *to recognize and interpret important events*
20 *and geographic locations representing key develop-*
21 *ments in the creation of America, including Native*
22 *American, Colonial American, European American,*
23 *and African American heritage;*

24 (4) *to recognize and interpret the effect of the*
25 *Civil War on the civilian population of the Heritage*

1 *Area during the war and post-war reconstruction pe-*
2 *riod;*

3 (5) *to enhance a cooperative management frame-*
4 *work to assist the Commonwealth of Virginia, the*
5 *State of Maryland, the Commonwealth of Pennsyl-*
6 *vania, the State of West Virginia, and their units of*
7 *local government, the private sector, and citizens re-*
8 *siding in the Heritage Area in conserving, sup-*
9 *porting, enhancing, and interpreting the significant*
10 *historic, cultural and recreational sites in the Herit-*
11 *age Area; and*

12 (6) *to provide appropriate linkages among units*
13 *of the National Park System within and surrounding*
14 *the Heritage Area, to protect, enhance, and interpret*
15 *resources outside of park boundaries.*

16 **SEC. 4. JOURNEY THROUGH HALLOWED GROUND NA-**
17 **TIONAL HERITAGE AREA.**

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

21 (b) *BOUNDARIES.*—

22 (1) *IN GENERAL.*—*The Heritage Area shall con-*
23 *sist of the 175-mile region generally following the*
24 *Route 15 corridor and surrounding areas from*
25 *Adams County, Pennsylvania, through Frederick*

1 *County, Maryland, including the Heart of the Civil*
2 *War Maryland State Heritage Area, looping through*
3 *Brunswick, Maryland, to Harpers Ferry, West Vir-*
4 *ginia, back through Loudoun County, Virginia, to the*
5 *Route 15 corridor and surrounding areas encom-*
6 *passing portions of Loudoun and Prince William*
7 *Counties, Virginia, then Fauquier County, Virginia,*
8 *portions of Spotsylvania and Madison Counties, Vir-*
9 *ginia, and Culpepper, Rappahannock, Orange, and*
10 *Albemarle Counties, Virginia. The boundaries of the*
11 *Heritage Area shall include all of those lands and in-*
12 *terests as generally depicted on the map titled “Jour-*
13 *ney Through Hallowed Ground National Heritage*
14 *Area”, numbered P90/80,000, and dated October*
15 *2006.*

16 (2) *MAP.—The map referred to in paragraph (1)*
17 *shall be on file in the appropriate offices of the Na-*
18 *tional Park Service.*

19 (c) *MANAGEMENT ENTITY.—The management entity*
20 *for the Heritage Area shall be The Journey Through Hal-*
21 *lowed Ground Partnership, a Virginia nonprofit corpora-*
22 *tion.*

23 (d) *BOARD OF TRUSTEES.—The board of trustees of*
24 *the management entity shall include representatives from*

1 *a broad cross-section of the individuals, agencies, organiza-*
2 *tions, States, and governments that—*

3 *(1) are partners of the management entity; and*

4 *(2) will oversee the development and implemen-*
5 *tation of the management plan.*

6 **SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTI-**
7 **TY.**

8 *(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—*

9 *(1) AUTHORITY TO ACCEPT FUNDS.—The man-*
10 *agement entity may accept funds from any Federal*
11 *source and from States and their political subdivi-*
12 *sions, private organizations, nonprofit organizations,*
13 *or any other person to carry out its authorities and*
14 *duties under this Act.*

15 *(2) USE OF FUNDS.—The management entity*
16 *may use funds made available under this Act for pur-*
17 *poses of preparing, updating, and implementing the*
18 *management plan. Such purposes may include the*
19 *following:*

20 *(A) Making grants to, and entering into co-*
21 *operative agreements with, States and their po-*
22 *litical subdivisions, private organizations, non-*
23 *profit organizations or any other person.*

24 *(B) Hiring and compensating staff.*

1 (C) *Entering into contracts for goods, serv-*
2 *ices, and leases for office space.*

3 (D) *Undertaking any other initiatives that*
4 *advance the purposes of the Heritage Area.*

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

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

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

15 (3) *includes a description of actions that units*
16 *of government and private organizations and individ-*
17 *uals have decided to undertake in furtherance of the*
18 *purposes of this Act;*

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

22 (5) *includes an inventory of the natural, histor-*
23 *ical, cultural, architectural, scenic, and recreational*
24 *resources in the Heritage Area that wish to be pre-*
25 *served, restored, supported, managed, developed, or*

1 *maintained, because of the national historic signifi-*
2 *cance of the resources;*

3 *(6) includes an analysis of ways in which local,*
4 *State, and Federal programs may coordinate to pro-*
5 *motte the purposes of this Act; including recommenda-*
6 *tions from the Commonwealth of Virginia, the States*
7 *of Maryland and West Virginia, and the Common-*
8 *wealth of Pennsylvania (and political subdivisions*
9 *thereof) for the management, protection, support, and*
10 *interpretation of the natural, cultural, and historical*
11 *resources of the Heritage Area;*

12 *(7) identifies appropriate partners and partner-*
13 *ships among Federal, State, and local governments,*
14 *regional entities, and the private sector in furtherance*
15 *of the purposes of the Act;*

16 *(8) includes locations for visitor contact and*
17 *major interpretive facilities;*

18 *(9) includes provisions for appropriate living*
19 *history demonstrations and battlefield reenactments;*

20 *(10) includes provisions for implementing a con-*
21 *tinuing program of interpretation for resident, stu-*
22 *dent, and visitor education concerning the resources*
23 *and values of the Heritage Area;*

24 *(11) includes provisions for a uniform historical*
25 *marker and wayside exhibit program in the Heritage*

1 *Area, including a provision for marking, with the*
2 *consent of the owner, historic structures and prop-*
3 *erties that are contained within the historic core*
4 *areas and contribute to the understanding of the Her-*
5 *itage Area;*

6 *(12) includes provisions for the protection and*
7 *interpretation of the natural, cultural, and historic*
8 *resources of the Heritage Area consistent with this*
9 *Act; and*

10 *(13) includes provisions for the development of*
11 *educational outreach programs for students of all ages*
12 *to further the understanding of the vast resources*
13 *within the Heritage Area.*

14 *(c) DEADLINE FOR SUBMISSION; PREREQUISITES.—*

15 *(1) DEADLINE.—The management entity shall*
16 *submit the management plan to the Secretary not*
17 *later than the end of the three-year period beginning*
18 *on the date on which funds are first made available*
19 *for this Act.*

20 *(2) PREREQUISITES.—Before submitting the*
21 *management plan to the Secretary, the management*
22 *entity shall ensure that—*

23 *(A) the Commonwealth of Virginia, the*
24 *States of Maryland and West Virginia, the Com-*
25 *monwealth of Pennsylvania, and any political*

1 *subdivision thereof that would be affected by the*
2 *management plan, receives a copy of the man-*
3 *agement plan;*

4 *(B) adequate notice of availability of the*
5 *management plan is provided through publica-*
6 *tion in appropriate local newspapers in the area*
7 *of the Heritage Area;*

8 *(C) at least one public hearing is conducted*
9 *by the management entity at a location within*
10 *the Heritage Area in each congressional district*
11 *included in whole or in part in the Heritage*
12 *Area to review and receive comments on the*
13 *management plan; and*

14 *(D) a committee made up of elected officials*
15 *of local governments within the boundaries of the*
16 *Heritage Area, including mayors, town and*
17 *county council chairs, and members of borough*
18 *commissions and boards of supervisors, has had*
19 *an opportunity to review, comment on, and ap-*
20 *prove (by majority vote) the management plan.*

21 *(d) TERMINATION OF FUNDING.—If a management*
22 *plan is not submitted to the Secretary in accordance with*
23 *subsection (c), the Secretary shall not, after the end of the*
24 *period specified in such subsection, provide any grant or*
25 *other assistance under this Act with respect to the Heritage*

1 *Area until a management plan for the Heritage Area is*
2 *submitted to the Secretary.*

3 *(e) DUTIES OF MANAGEMENT ENTITY.—The manage-*
4 *ment entity shall—*

5 *(1) give priority to implementing actions set*
6 *forth in the management plan;*

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

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

11 *(B) developing historical and cultural re-*
12 *sources and educational programs in the Herit-*
13 *age Area;*

14 *(C) increasing public awareness of and ap-*
15 *preciation for the natural, historical, cultural,*
16 *architectural, scenic, and recreational resources*
17 *and sites in the Heritage Area;*

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

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

23 *(F) carrying out other actions that the*
24 *management entity determines to be advisable to*
25 *fulfill the purposes of this Act;*

1 (3) encourage by appropriate means economic
2 viability in the Heritage Area consistent with the
3 purposes of this Act;

4 (4) consider the interests of diverse governmental,
5 business, nonprofit groups, and individuals within
6 the Heritage Area; and

7 (5) for any year in which Federal funds have
8 been provided to implement the management plan—

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

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

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

24 (f) *PROHIBITION ON THE ACQUISITION OF REAL*
25 *PROPERTY.*—The management entity may not use Federal

1 *funds received under this Act to acquire real property or*
2 *any interest in real property. No State or local subdivision*
3 *of a State shall use any Federal funds received pursuant*
4 *to this Act to acquire any interest in real property by con-*
5 *demnation or otherwise.*

6 **SEC. 6. APPROVAL OR DISAPPROVAL OF MANAGEMENT**
7 **PLAN.**

8 (a) *TIME FOR CONSIDERATION; CRITERIA.*—*The Sec-*
9 *retary, in consultation with the Governors of the Common-*
10 *wealth of Virginia, the States of Maryland and West Vir-*
11 *ginia, and the Commonwealth of Pennsylvania, shall ap-*
12 *prove or disapprove a management plan submitted under*
13 *section 5 not later than 180 days after receiving the plan.*
14 *In considering the plan, the Secretary shall take into con-*
15 *sideration the following criteria:*

16 (1) *The extent to which the management plan,*
17 *when implemented, would adequately preserve, sup-*
18 *port and protect the significant historical, cultural*
19 *and recreational resources of the Heritage Area.*

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

22 (3) *The extent to which the board of trustees of*
23 *the management entity is representative of the local*
24 *governments affected and a wide range of interested*
25 *organizations and citizens.*

1 (b) *ACTION FOLLOWING DISAPPROVAL.*—If the Sec-
2 retary disapproves a management plan, the Secretary shall
3 advise the management entity in writing of the reasons for
4 the disapproval and shall make recommendations for revi-
5 sions in the management plan. The Secretary shall approve
6 or disapprove a proposed revision within 180 days after
7 the date it is submitted.

8 (c) *APPROVING CHANGES.*—The Secretary shall review
9 and approve or disapprove any amendment to the manage-
10 ment plan that would make a substantial change to the
11 management plan, as determined by the Secretary. The re-
12 view and approval or disapproval of an amendment shall
13 be conducted in the manner provided under subsections (a)
14 and (b). Funds appropriated under this Act may not be
15 expended to implement the changes made by such an
16 amendment unless and until the Secretary approves the
17 amendment.

18 (d) *AVAILABILITY OF ANNUAL REPORTS.*—The man-
19 agement entity shall post each annual report prepared
20 under section 5(e)(5)(B) on a website maintained by the
21 management entity.

22 **SEC. 7. PROVISION OF FINANCIAL AND TECHNICAL ASSIST-**
23 **ANCE.**

24 (a) *OVERALL ASSISTANCE.*—Upon the request of the
25 management entity and subject to the availability of appro-

1 *priations, the Secretary may provide technical and finan-*
2 *cial assistance to the management entity to carry out its*
3 *duties under this Act, including updating and imple-*
4 *menting the management plan and, prior to approval of*
5 *the management plan, providing assistance for initiatives.*

6 **(b) TECHNICAL ASSISTANCE.**—*If the Secretary has the*
7 *resources available to provide technical assistance to the*
8 *management entity to carry out its duties under this Act,*
9 *including updating and implementing the management*
10 *plan and, prior to approval of the management plan, pro-*
11 *viding assistance for initiatives, the Secretary shall provide*
12 *such assistance upon the request of the management entity.*
13 *Technical assistance provided under this subsection shall be*
14 *provided on a reimbursable basis, except that this subsection*
15 *does not preclude the Secretary from providing non-*
16 *reimbursable assistance under subsection (a).*

17 **(c) PRIORITY.**—*In assisting the management entity,*
18 *the Secretary shall give priority to actions that assist in—*

19 (1) *the implementation of the management plan;*

20 (2) *the provision of educational assistance and*

21 *advice regarding management of the significant his-*

22 *toric resources of the region;*

23 (3) *the development and application of tech-*

24 *niques promoting the preservation of cultural, rec-*

25 *reational and historic properties;*

1 (4) *the preservation, restoration, and reuse of*
2 *publicly and privately owned historic buildings;*

3 (5) *the design and fabrication of a wide range*
4 *of interpretive materials based on the management*
5 *plan, including, among other things, guide brochures,*
6 *visitor displays, audio-visual, books, interpretive dia-*
7 *logues, interactive exhibits, and educational cur-*
8 *riculum materials for public education; and*

9 (6) *the implementation of initiatives prior to ap-*
10 *proval of the management plan.*

11 (d) *MATCHING FUNDS.—As a condition of providing*
12 *financial assistance under this section to the management*
13 *entity, the Secretary shall require the recipient to provide*
14 *matching funds in an amount equal to the amount of the*
15 *financial assistance provided by the Secretary. Recipient*
16 *matching funds—*

17 (1) *shall be derived from non-Federal sources;*
18 *and*

19 (2) *may be made in the form of in-kind con-*
20 *tributions of goods and services fairly valued.*

21 **SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.**

22 *Any Federal entity conducting or supporting activities*
23 *directly affecting the Heritage Area shall—*

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

1 *modify public access or use of property of the prop-*
2 *erty owner under any other Federal, State, or local*
3 *law;*

4 *(3) alters any duly adopted land use regulation,*
5 *approved land use plan, or other regulatory authority*
6 *of any Federal, State, or local agency, including but*
7 *not limited to the authority of Federal, State, or local*
8 *governments to make safety improvements or increase*
9 *the capacity of existing roads or to construct new*
10 *roads, or conveys any land use or other regulatory*
11 *authority to any local coordinating entity;*

12 *(4) authorizes or implies the reservation or ap-*
13 *propriation of water or water rights;*

14 *(5) diminishes the authority of the State to man-*
15 *age fish and wildlife, including the regulation of fish-*
16 *ing and hunting within the National Heritage Area;*
17 *or*

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

22 **SEC. 11. USE OF FEDERAL FUNDS FROM OTHER SOURCES.**

23 *Nothing in this Act shall preclude the management en-*
24 *tity from using Federal funds available under Acts other*

1 *than this Act for the purposes for which those funds were*
2 *authorized.*

3 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

9 *(b) LIMITATION ON TOTAL AMOUNTS APPRO-*
10 *PRIATED.—Not more than \$10,000,000 may be appro-*
11 *priated to carry out this Act.*

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