

109TH CONGRESS
1ST SESSION

H. R. 2099

AN ACT

To establish the Arabia Mountain 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,*

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

3 **SECTION 101. SHORT TITLE.**

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

6 **SEC. 102. 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 distinc-
11 tive aspects of the heritage of the United States that
12 are worthy of recognition, conservation, interpreta-
13 tion, and continuing use.

14 (2) The best methods for managing the re-
15 sources of the Arabia Mountain area would be
16 through partnerships between public and private en-
17 tities that combine diverse resources and active com-
18 munities.

19 (3) Davidson-Arabia Mountain Nature Pre-
20 serve, a 535-acre park in DeKalb County, Georgia—

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

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

1 (4) Panola Mountain, a national natural land-
2 mark, located in the 860-acre Panola Mountain
3 State Conservation Park, is a rare example of a
4 pristine granite outcrop.

5 (5) The archaeological site at Miners Creek
6 Preserve along the South River contains documented
7 evidence of early human activity.

8 (6) The city of Lithonia, Georgia, and related
9 sites of Arabia Mountain and Stone Mountain pos-
10 sess sites that display the history of granite mining
11 as an industry and culture in Georgia, and the im-
12 pact of that industry on the United States.

13 (7) The community of Klondike is eligible for
14 designation as a National Historic District.

15 (8) The city of Lithonia has 2 structures listed
16 on the National Register of Historic Places.

17 (b) PURPOSES.—The purposes of this title are as fol-
18 lows:

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

1 (2) To assist the State of Georgia and the
2 counties of DeKalb, Rockdale, and Henry in the
3 State in developing and implementing an integrated
4 cultural, historical, and land resource management
5 program to protect, enhance, and interpret the sig-
6 nificant resources within the heritage area.

7 **SEC. 103. DEFINITIONS.**

8 In this title:

9 (1) **HERITAGE AREA.**—The term “heritage
10 area” means the Arabia Mountain National Heritage
11 Area established by section 4(a).

12 (2) **LOCAL COORDINATING ENTITY.**—The term
13 “local coordinating entity” means the Arabia Moun-
14 tain Heritage Area Alliance or a successor of the
15 Arabia Mountain Heritage Area Alliance.

16 (3) **MANAGEMENT PLAN.**—The term “manage-
17 ment plan” means the management plan for the her-
18 itage area developed under section 6.

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

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

23 **SEC. 104. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

24 (a) **ESTABLISHMENT.**—There is established the Ara-
25 bia Mountain National Heritage Area in the State.

1 (b) BOUNDARIES.—The heritage area shall consist of
2 certain parcels of land in the counties of DeKalb,
3 Rockdale, and Henry in the State, as generally depicted
4 on the map entitled “Arabia Mountain National Heritage
5 Area”, numbered AMNHA–80,000, and dated October
6 2003.

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

10 (d) LOCAL COORDINATING ENTITY.—The Arabia
11 Mountain Heritage Area Alliance shall be the local coordi-
12 nating entity for the heritage area.

13 **SEC. 105. AUTHORITIES AND DUTIES OF THE LOCAL CO-**
14 **ORDINATING ENTITY.**

15 (a) AUTHORITIES.—For purposes of developing and
16 implementing the management plan, the local coordinating
17 entity may—

18 (1) make grants to, and enter into cooperative
19 agreements with, the State, political subdivisions of
20 the State, and private organizations;

21 (2) hire and compensate staff; and

22 (3) enter into contracts for goods and services.

23 (b) DUTIES.—

24 (1) MANAGEMENT PLAN.—

1 (A) IN GENERAL.—The local coordinating
2 entity shall develop and submit to the Secretary
3 the management plan.

4 (B) CONSIDERATIONS.—In developing and
5 implementing the management plan, the local
6 coordinating entity shall consider the interests
7 of diverse governmental, business, and non-
8 profit groups within the heritage area.

9 (2) PRIORITIES.—The local coordinating entity
10 shall give priority to implementing actions described
11 in the management plan, including the following:

12 (A) Assisting units of government and
13 nonprofit organizations in preserving resources
14 within the heritage area.

15 (B) Encouraging local governments to
16 adopt land use policies consistent with the man-
17 agement of the heritage area and the goals of
18 the management plan.

19 (3) PUBLIC MEETINGS.—The local coordinating
20 entity shall conduct public meetings at least quar-
21 terly on the implementation of the management
22 plan.

23 (4) ANNUAL REPORT.—For any year in which
24 Federal funds have been made available under this
25 title, the local coordinating entity shall submit to the

1 Secretary an annual report that describes the fol-
2 lowing:

3 (A) The accomplishments of the local co-
4 ordinating entity.

5 (B) The expenses and income of the local
6 coordinating entity.

7 (5) AUDIT.—The local coordinating entity
8 shall—

9 (A) make available to the Secretary for
10 audit all records relating to the expenditure of
11 Federal funds and any matching funds; and

12 (B) require, with respect to all agreements
13 authorizing expenditure of Federal funds by
14 other organizations, that the receiving organiza-
15 tions make available to the Secretary for audit
16 all records concerning the expenditure of those
17 funds.

18 (c) USE OF FEDERAL FUNDS.—

19 (1) IN GENERAL.—The local coordinating entity
20 shall not use Federal funds made available under
21 this title to acquire real property or an interest in
22 real property.

23 (2) OTHER SOURCES.—Nothing in this title
24 precludes the local coordinating entity from using
25 Federal funds made available under other Federal

1 laws for any purpose for which the funds are author-
2 ized to be used.

3 **SEC. 106. MANAGEMENT PLAN.**

4 (a) IN GENERAL.—The local coordinating entity shall
5 develop a management plan for the heritage area that in-
6 corporates an integrated and cooperative approach to pro-
7 tect, interpret, and enhance the natural, cultural, histor-
8 ical, scenic, and recreational resources of the heritage
9 area.

10 (b) BASIS.—The management plan shall be based on
11 the preferred concept in the document entitled “Arabia
12 Mountain National Heritage Area Feasibility Study”,
13 dated February 28, 2001.

14 (c) CONSIDERATION OF OTHER PLANS AND AC-
15 TIONS.—The management plan shall—

16 (1) take into consideration State and local
17 plans; and

18 (2) involve residents, public agencies, and pri-
19 vate organizations in the heritage area.

20 (d) REQUIREMENTS.—The management plan shall
21 include the following:

22 (1) An inventory of the resources in the herit-
23 age area, including—

24 (A) a list of property in the heritage area
25 that—

1 (i) relates to the purposes of the herit-
2 age area; and

3 (ii) should be preserved, restored,
4 managed, or maintained because of the sig-
5 nificance of the property; and

6 (B) an assessment of cultural landscapes
7 within the heritage area.

8 (2) Provisions for the protection, interpretation,
9 and enjoyment of the resources of the heritage area
10 consistent with the purposes of this title.

11 (3) An interpretation plan for the heritage area.

12 (4) A program for implementation of the man-
13 agement plan that includes—

14 (A) actions to be carried out by units of
15 government, private organizations, and public-
16 private partnerships to protect the resources of
17 the heritage area; and

18 (B) the identification of existing and po-
19 tential sources of funding for implementing the
20 plan.

21 (5) A description and evaluation of the local co-
22 ordinating entity, including the membership and or-
23 ganizational structure of the local coordinating enti-
24 ty.

25 (e) SUBMISSION TO SECRETARY FOR APPROVAL.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date on which funds are made available to carry
3 out this title, the local coordinating entity shall sub-
4 mit the management plan to the Secretary for ap-
5 proval.

6 (2) EFFECT OF FAILURE TO SUBMIT.—If a
7 management plan is not submitted to the Secretary
8 by the date specified in paragraph (1), the Secretary
9 shall not provide any additional funding under this
10 title until such date as a management plan for the
11 heritage area is submitted to the Secretary.

12 (f) APPROVAL AND DISAPPROVAL OF MANAGEMENT
13 PLAN.—

14 (1) IN GENERAL.—Not later than 90 days after
15 receiving the management plan submitted under
16 subsection (e), the Secretary, in consultation with
17 the State, shall approve or disapprove the manage-
18 ment plan.

19 (2) ACTION FOLLOWING DISAPPROVAL.—

20 (A) REVISION.—If the Secretary dis-
21 approves a management plan submitted under
22 paragraph (1), the Secretary shall—

23 (i) advise the local coordinating entity
24 in writing of the reasons for the dis-
25 approval;

1 (ii) make recommendations for revisions to the management plan; and

2
3 (iii) allow the local coordinating entity
4 to submit to the Secretary revisions to the
5 management plan.

6 (B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on
7 which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or
8 disapprove the revision.
9

10
11 (g) REVISION OF MANAGEMENT PLAN.—

12 (1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating
13 entity shall periodically—
14

15 (A) review the management plan; and

16 (B) submit to the Secretary, for review
17 and approval by the Secretary, the recommendations of the local coordinating entity
18 for any revisions to the management plan that
19 the local coordinating entity considers to be appropriate.
20

21
22 (2) EXPENDITURE OF FUNDS.—No funds made
23 available under this title shall be used to implement
24 any revision proposed by the local coordinating enti-

1 ty under paragraph (1)(B) until the Secretary ap-
2 proves the revision.

3 **SEC. 107. TECHNICAL AND FINANCIAL ASSISTANCE.**

4 (a) IN GENERAL.—At the request of the local coordi-
5 nating entity, the Secretary may provide technical and fi-
6 nancial assistance to the heritage area to develop and im-
7 plement the management plan.

8 (b) PRIORITY.—In providing assistance under sub-
9 section (a), the Secretary shall give priority to actions that
10 facilitate—

11 (1) the conservation of the significant natural,
12 cultural, historical, scenic, and recreational resources
13 that support the purposes of the heritage area; and

14 (2) the provision of educational, interpretive,
15 and recreational opportunities that are consistent
16 with the resources and associated values of the herit-
17 age area.

18 **SEC. 108. EFFECT ON CERTAIN AUTHORITY.**

19 (a) OCCUPATIONAL, SAFETY, CONSERVATION, AND
20 ENVIRONMENTAL REGULATION.—Nothing in this title—

21 (1) imposes an occupational, safety, conserva-
22 tion, or environmental regulation on the heritage
23 area that is more stringent than the regulations that
24 would be applicable to the land described in section

1 4(b) but for the establishment of the heritage area
2 by section 4(a); or

3 (2) authorizes a Federal agency to promulgate
4 an occupational, safety, conservation, or environ-
5 mental regulation for the heritage area that is more
6 stringent than the regulations applicable to the land
7 described in section 4(b) as of the date of enactment
8 of this Act, solely as a result of the establishment
9 of the heritage area by section 4(a).

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

11 (1) modifies, enlarges, or diminishes any au-
12 thority of the Federal Government or a State or
13 local government to regulate any use of land as pro-
14 vided for by law (including regulations) in existence
15 on the date of enactment of this Act; or

16 (2) grants powers of zoning or land use to the
17 local coordinating entity.

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

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated to carry out this title \$10,000,000, to remain
21 available until expended, of which not more than
22 \$1,000,000 may be authorized to be appropriated for any
23 fiscal year.

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

4 **SEC. 110. TERMINATION OF AUTHORITY.**

5 The authority of the Secretary to provide assistance
6 under this title terminates on the date that is 15 years
7 after the date of enactment of this title.

8 **SEC. 111. REQUIREMENTS FOR INCLUSION OF PRIVATE**
9 **PROPERTY.**

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

17 (b) LANDOWNER WITHDRAW.—Any owner of private
18 property included within the boundary of the Heritage
19 Area shall have their property immediately removed from
20 the boundary by submitting a written request to the man-
21 agement entity.

22 **SEC. 112. PRIVATE PROPERTY PROTECTION.**

23 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
24 this 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
6 private 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
15 regulate 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
3 National Park Service, or the management entity.

4 **TITLE II—ILLINOIS AND MICHIGAN**
5 **CANAL NATIONAL HERITAGE**
6 **CORRIDOR ACT AMEND-**
7 **MENTS**

8 **SEC. 201. SHORT TITLE.**

9 This title may be cited as the “Illinois and Michigan
10 Canal National Heritage Corridor Act Amendments of
11 2005”.

12 **SEC. 202. TRANSITION AND PROVISIONS FOR NEW LOCAL**
13 **COORDINATING ENTITY.**

14 The Illinois and Michigan Canal National Heritage
15 Corridor Act of 1984 (Public Law 98–398; 16 U.S.C. 461
16 note) is amended as follows:

17 (1) In section 103—

18 (A) in paragraph (8), by striking “and”;

19 (B) in paragraph (9), by striking the pe-
20 riod and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(10) the term ‘Association’ means the Canal
23 Corridor Association (an organization described
24 under section 501(c)(3) of the Internal Revenue

1 Code of 1986 and exempt from taxation under sec-
2 tion 501(a) of such Code).”.

3 (2) By adding at the end of section 112 the fol-
4 lowing new paragraph:

5 “(7) The Secretary shall enter into a memo-
6 randum of understanding with the Association to
7 help ensure appropriate transition of the local co-
8 ordinating entity to the Association and coordination
9 with the Association regarding that role.”.

10 (3) By adding at the end the following new sec-
11 tions:

12 **“SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.**

13 “Upon the termination of the Commission, the local
14 coordinating entity for the corridor shall be the Associa-
15 tion.

16 **“SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.**

17 “For purposes of preparing and implementing the
18 management plan developed under section 121, the Asso-
19 ciation may use Federal funds made available under this
20 title—

21 “(1) to make loans and grants to, and enter
22 into cooperative agreements with, States and their
23 political subdivisions, private organizations, or any
24 person;

25 “(2) to hire, train, and compensate staff; and

1 “(3) to enter into contracts for goods and serv-
2 ices.

3 **“SEC. 121. DUTIES OF THE ASSOCIATION.**

4 “The Association shall—

5 “(1) develop and submit to the Secretary for
6 approval under section 123 a proposed management
7 plan for the corridor not later than 2 years after
8 Federal funds are made available for this purpose;

9 “(2) give priority to implementing actions set
10 forth in the management plan, including taking
11 steps to assist units of local government, regional
12 planning organizations, and other organizations—

13 “(A) in preserving the corridor;

14 “(B) in establishing and maintaining inter-
15 pretive exhibits in the corridor;

16 “(C) in developing recreational resources
17 in the corridor;

18 “(D) in increasing public awareness of and
19 appreciation for the natural, historical, and ar-
20 chitectural resources and sites in the corridor;
21 and

22 “(E) in facilitating the restoration of any
23 historic building relating to the themes of the
24 corridor;

1 “(3) encourage by appropriate means economic
2 viability in the corridor consistent with the goals of
3 the management plan;

4 “(4) consider the interests of diverse govern-
5 mental, business, and other groups within the cor-
6 ridor;

7 “(5) conduct public meetings at least quarterly
8 regarding the implementation of the management
9 plan;

10 “(6) submit substantial changes (including any
11 increase of more than 20 percent in the cost esti-
12 mates for implementation) to the management plan
13 to the Secretary; and

14 “(7) for any year in which Federal funds have
15 been received under this title—

16 “(A) submit an annual report to the Sec-
17 retary setting forth the Association’s accom-
18 plishments, expenses and income, and the iden-
19 tity of each entity to which any loans and
20 grants were made during the year for which the
21 report is made;

22 “(B) make available for audit all records
23 pertaining to the expenditure of such funds and
24 any matching funds; and

1 “(C) require, for all agreements author-
2 izing expenditure of Federal funds by other or-
3 ganizations, that the receiving organizations
4 make available for audit all records pertaining
5 to the expenditure of such funds.

6 **“SEC. 122. USE OF FEDERAL FUNDS.**

7 “(a) IN GENERAL.—The Association shall not use
8 Federal funds received under this title to acquire real
9 property or an interest in real property.

10 “(b) OTHER SOURCES.—Nothing in this title pre-
11 cludes the Association from using Federal funds from
12 other sources for authorized purposes.

13 **“SEC. 123. MANAGEMENT PLAN.**

14 “(a) PREPARATION OF MANAGEMENT PLAN.—Not
15 later than 2 years after the date that Federal funds are
16 made available for this purpose, the Association shall sub-
17 mit to the Secretary for approval a proposed management
18 plan that shall—

19 “(1) take into consideration State and local
20 plans and involve residents, local governments and
21 public agencies, and private organizations in the cor-
22 ridor;

23 “(2) present comprehensive recommendations
24 for the corridor’s conservation, funding, manage-
25 ment, and development;

1 “(3) include actions proposed to be undertaken
2 by units of government and nongovernmental and
3 private organizations to protect the resources of the
4 corridor;

5 “(4) specify the existing and potential sources
6 of funding to protect, manage, and develop the cor-
7 ridor; and

8 “(5) include—

9 “(A) identification of the geographic
10 boundaries of the corridor;

11 “(B) a brief description and map of the
12 corridor’s overall concept or vision that show
13 key sites, visitor facilities and attractions, and
14 physical linkages;

15 “(C) identification of overall goals and the
16 strategies and tasks intended to reach them,
17 and a realistic schedule for completing the
18 tasks;

19 “(D) a listing of the key resources and
20 themes of the corridor;

21 “(E) identification of parties proposed to
22 be responsible for carrying out the tasks;

23 “(F) a financial plan and other informa-
24 tion on costs and sources of funds;

1 “(G) a description of the public participa-
2 tion process used in developing the plan and a
3 proposal for public participation in the imple-
4 mentation of the management plan;

5 “(H) a mechanism and schedule for updat-
6 ing the plan based on actual progress;

7 “(I) a bibliography of documents used to
8 develop the management plan; and

9 “(J) a discussion of any other relevant
10 issues relating to the management plan.

11 “(b) DISQUALIFICATION FROM FUNDING.—If a pro-
12 posed management plan is not submitted to the Secretary
13 within 2 years after the date that Federal funds are made
14 available for this purpose, the Association shall be ineli-
15 gible to receive additional funds under this title until the
16 Secretary receives a proposed management plan from the
17 Association.

18 “(c) APPROVAL OF MANAGEMENT PLAN.—The Sec-
19 retary shall approve or disapprove a proposed manage-
20 ment plan submitted under this title not later than 180
21 days after receiving such proposed management plan. If
22 action is not taken by the Secretary within the time period
23 specified in the preceding sentence, the management plan
24 shall be deemed approved. The Secretary shall consult
25 with the local entities representing the diverse interests

1 of the corridor including governments, natural and historic
2 resource protection organizations, educational institutions,
3 businesses, recreational organizations, community resi-
4 dents, and private property owners prior to approving the
5 management plan. The Association shall conduct semi-an-
6 nual public meetings, workshops, and hearings to provide
7 adequate opportunity for the public and local and govern-
8 mental entities to review and to aid in the preparation and
9 implementation of the management plan.

10 “(d) EFFECT OF APPROVAL.—Upon the approval of
11 the management plan as provided in subsection (c), the
12 management plan shall supersede the conceptual plan con-
13 tained in the National Park Service report.

14 “(e) ACTION FOLLOWING DISAPPROVAL.—If the Sec-
15 retary disapproves a proposed management plan within
16 the time period specified in subsection (c), the Secretary
17 shall advise the Association in writing of the reasons for
18 the disapproval and shall make recommendations for revi-
19 sions to the proposed management plan.

20 “(f) APPROVAL OF AMENDMENTS.—The Secretary
21 shall review and approve all substantial amendments (in-
22 cluding any increase of more than 20 percent in the cost
23 estimates for implementation) to the management plan.
24 Funds made available under this title may not be ex-
25 pended to implement any changes made by a substantial

1 amendment until the Secretary approves that substantial
2 amendment.

3 **“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE;**
4 **OTHER FEDERAL AGENCIES.**

5 “(a) TECHNICAL AND FINANCIAL ASSISTANCE.—
6 Upon the request of the Association, the Secretary may
7 provide technical assistance, on a reimbursable or non-
8 reimbursable basis, and financial assistance to the Asso-
9 ciation to develop and implement the management plan.
10 The Secretary is authorized to enter into cooperative
11 agreements with the Association and other public or pri-
12 vate entities for this purpose. In assisting the Association,
13 the Secretary shall give priority to actions that in general
14 assist in—

15 “(1) conserving the significant natural, historic,
16 cultural, and scenic resources of the corridor; and

17 “(2) providing educational, interpretive, and
18 recreational opportunities consistent with the pur-
19 poses of the corridor.

20 “(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
21 Federal agency conducting or supporting activities directly
22 affecting the corridor shall—

23 “(1) consult with the Secretary and the Asso-
24 ciation with respect to such activities;

1 “(2) cooperate with the Secretary and the Asso-
2 ciation in carrying out their duties under this title;

3 “(3) to the maximum extent practicable, coordi-
4 nate such activities with the carrying out of such du-
5 ties; and

6 “(4) to the maximum extent practicable, con-
7 duct or support such activities in a manner which
8 the Association determines is not likely to have an
9 adverse effect on the corridor.

10 **“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—To carry out this title there is
12 authorized to be appropriated \$10,000,000, except that
13 not more than \$1,000,000 may be appropriated to carry
14 out this title for any fiscal year.

15 “(b) 50 PERCENT MATCH.—The Federal share of the
16 cost of activities carried out using any assistance or grant
17 under this title shall not exceed 50 percent of that cost.

18 **“SEC. 126. SUNSET.**

19 “‘The authority of the Secretary to provide assistance
20 under this title terminates on the date that is 15 years
21 after the date of enactment of this section.’”.

22 **SEC. 203. PRIVATE PROPERTY PROTECTION.**

23 The Illinois and Michigan Canal National Heritage
24 Corridor Act of 1984 is further amended by adding after

1 section 126 (as added by section 402) the following new
2 sections:

3 **“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE**
4 **PROPERTY.**

5 “(a) NOTIFICATION AND CONSENT OF PROPERTY
6 OWNERS REQUIRED.—No privately owned property shall
7 be preserved, conserved, or promoted by the management
8 plan for the corridor until the owner of that private prop-
9 erty has been notified in writing by the Association and
10 has given written consent for such preservation, conserva-
11 tion, or promotion to the Association.

12 “(b) LANDOWNER WITHDRAWAL.—Any owner of pri-
13 vate property included within the boundary of the corridor,
14 and not notified under subsection (a), shall have their
15 property immediately removed from the boundary of the
16 corridor by submitting a written request to the Associa-
17 tion.

18 **“SEC. 128. PRIVATE PROPERTY PROTECTION.**

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

21 “(1) require any private property owner to
22 allow public access (including Federal, State, or local
23 government 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
3 private property.

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

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

13 “(d) PARTICIPATION OF PRIVATE PROPERTY OWN-
14 ERS IN CORRIDOR.—Nothing in this title shall be con-
15 strued to require the owner of any private property located
16 within the boundaries of the corridor to participate in or
17 be associated with the corridor.

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

1 **SEC. 204. TECHNICAL AMENDMENTS.**

2 Section 116 of Illinois and Michigan Canal National
3 Heritage Corridor Act of 1984 is amended—

4 (1) by striking subsection (b); and

5 (2) in subsection (a)—

6 (A) by striking “(a)” and all that follows
7 through “For each” and inserting “(a) For
8 each”;

9 (B) by striking “Commission” and insert-
10 ing “Association”;

11 (C) by striking “Commission’s” and insert-
12 ing “Association’s”;

13 (D) by redesignating paragraph (2) as sub-
14 section (b); and

15 (E) by redesignating subparagraphs (A)
16 and (B) as paragraphs (1) and (2), respectively.

Passed the House of Representatives December 19
(legislative day, December 18), 2005.

Attest:

Clerk.

109TH CONGRESS
1ST SESSION

H. R. 2099

AN ACT

To establish the Arabia Mountain National
Heritage Area, and for other purposes.