

109TH CONGRESS
2^D SESSION

H. R. 5930

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

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Mr. CRAMER introduced the following bill; which was referred to the Committee on Resources

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 Nothing in this Act shall be construed to—

4 (1) abridge the rights of any property owner,
5 whether public or private, including the right to re-
6 frain from participating in any plan, project, pro-
7 gram, or activity conducted within the Heritage
8 Area;

9 (2) require any property owner to permit public
10 access (including Federal, Tribal, State, or local gov-
11 ernment access) to such property or to modify provi-
12 sions of Federal, Tribal, State, or local law with re-
13 gard to public access or use of private lands;

14 (3) alters any duly adopted land use regulations
15 or approved land use plan or any other regulatory
16 authority of any Federal, State, or local agency, or
17 Tribal government or to convey any land-use or
18 other regulatory authority to any local coordinating
19 entity;

20 (4) authorizes or imply the reservation or ap-
21 propriation of water or water rights;

22 (5) diminish the authority of the State to man-
23 age fish and wildlife including the regulation of fish-
24 ing and hunting within the Heritage Area; or

25 (6) creates any liability, or affects any liability
26 under any other law, of any private property owner

1 with respect to any persons injured on such private
2 property.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

8 (b) MATCHING FUNDS.—Federal funding provided
9 under this Act may not exceed 50 percent of the total cost
10 of any assistance or grant provided or authorized under
11 this Act.

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

15 **SEC. 11. REQUIREMENTS FOR INCLUSION OF PRIVATE**
16 **PROPERTY.**

17 (a) NOTIFICATION AND CONSENT OF PROPERTY
18 OWNERS REQUIRED.—No privately owned property shall
19 be preserved, conserved, or promoted by the management
20 plan for the Heritage Area until the owner of that private
21 property has been notified in writing by the management
22 entity and has given written consent to the management
23 entity for such preservation, conservation, or promotion.

24 (b) LANDOWNER WITHDRAW.—Any owner of private
25 property included within the boundary of the Heritage

1 Area shall have that private property immediately removed
2 from the boundary by submitting a written request to the
3 management entity.

4 **SEC. 12. SUNSET.**

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

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