

107TH CONGRESS
1ST SESSION

H. R. 1027

To establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2001

Mr. OLVER (for himself, Mr. MEEHAN, Mr. TIERNEY, Mr. MCGOVERN, Mr. BASS, and Mr. MARKEY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To establish the Freedom's Way National Heritage Area in the Commonwealth of Massachusetts and in the State of New Hampshire, 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 “Freedom’s Way Na-
5 tional Heritage Area Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) the cultural and natural legacies of the re-
9 gion encompassing 34 communities in Massachusetts

1 and 6 communities in New Hampshire have made
2 important and distinctive contributions to the na-
3 tional character of America;

4 (2) these legacies were the foundation of com-
5 munities in this region, and by according appro-
6 priate recognition and protection these legacies can
7 help sustain the quality of life in the future;

8 (3) particularly significant legacies are—

9 (A) the early settlement of the United
10 States and the early evolution of democratic
11 forms of government;

12 (B) the development of intellectual tradi-
13 tions of the philosophies of freedom, democracy,
14 and conservation;

15 (C) the evolution of social ideas and reli-
16 gious freedom;

17 (D) the role of immigrants and industry in
18 contributing to ethnic diversity;

19 (E) Native American and African Amer-
20 ican resources; and

21 (F) the role of innovation and invention in
22 the cottage industries;

23 (4) the communities in this region know the
24 value of their legacy, but need a cooperative frame-

1 work and technical assistance to achieve important
2 goals by working together;

3 (5) the National Park Service is responsible for
4 advocating the protection and interpretation of the
5 Nation's cultural and historic resources;

6 (6) within this distinctive area of New Hamp-
7 shire and Massachusetts there is a Federal interest
8 to support the development of a regional framework
9 to assist the Commonwealth of Massachusetts and
10 the State of New Hampshire, other local organiza-
11 tions and governments, and private citizens to con-
12 serve, protect, and bring recognition to this heritage
13 for the educational and recreation benefit of this and
14 future generations of Americans;

15 (7) significant examples of such resources
16 include—

17 (A) Walden Pond State Reservation;

18 (B) Minute Man National Historical Park;

19 (C) Shaker Villages in Shirley and Har-
20 vard;

21 (D) Wachusett Mountain State Reserva-
22 tion, Fitchburg Art Museum, and Barrett
23 House in New Ipswich; and

24 (E) Beaver Brook Farms and Lost City of
25 Monson in Hollis;

1 (8) the Freedom’s Way Heritage Association,
2 Inc., would be an appropriate entity to oversee the
3 development of the Freedom’s Way National Herit-
4 age Area; and

5 (9) the study entitled “Freedom’s Way Herit-
6 age Area Feasibility Study”, prepared by the Free-
7 dom’s Way Heritage Association, Inc., and the Mas-
8 sachusetts Department of Environmental Manage-
9 ment, demonstrates the sufficient assemblage of na-
10 tionally distinctive historical resources necessary to
11 establish the Freedom’s Way National Heritage
12 Area.

13 (b) PURPOSES.—The purposes of this Act are—

14 (1) to foster a close working relationship with
15 all levels of government, the private sector, and the
16 local communities in Massachusetts and New Hamp-
17 shire;

18 (2) to empower communities and organizations
19 in these 2 States to preserve the special historic
20 identity of the region and with it the identity of the
21 Nation; and

22 (3) to provide for the management, preserva-
23 tion, protection, and interpretation of the natural,
24 historical, and cultural resources of the region for

1 the educational and inspirational benefit of future
2 generations.

3 **SEC. 3. DEFINITIONS.**

4 For the purposes of this Act:

5 (1) ASSOCIATION.—The term “Association”
6 means the Freedom’s Way Heritage Association,
7 Inc.

8 (2) HERITAGE AREA.—The term “Heritage
9 Area” means the Freedom’s Way National Heritage
10 Area established by section 4.

11 (3) PLAN.—The term “Plan” means the Cul-
12 tural Heritage and Management Plan required by
13 section 6.

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 4. FREEDOM’S WAY NATIONAL HERITAGE AREA.**

17 (a) ESTABLISHMENT.—There is established in the
18 Commonwealth of Massachusetts and in the State of New
19 Hampshire the Freedom’s Way National Heritage Area.

20 (b) BOUNDARIES.—Except as otherwise provided in
21 section 6, the boundaries of the Heritage Area shall in-
22 clude all of those lands depicted on a map entitled “Free-
23 dom’s Way National Heritage Area”, numbered ____ and
24 dated _____. The map shall be on file in the appropriate
25 offices of the National Park Service. The Secretary shall

1 publish in the Federal Register, as soon as practical after
2 the date of the enactment of this Act, a detailed descrip-
3 tion and map of the boundaries established under this sub-
4 section. Boundaries may be revised if proposed in the
5 Plan, approved by the Secretary as provided in section
6 8(b), and placed on file in accordance with this subsection.

7 **SEC. 5. ADMINISTRATION AND MANAGEMENT.**

8 (a) ADMINISTRATION.—The Heritage Area shall be
9 administered in accordance with the provisions of this Act.

10 (b) MANAGEMENT ENTITY.—The management entity
11 of the Heritage Area shall be the Freedom’s Way Heritage
12 Association, Inc.

13 **SEC. 6. MANAGEMENT PLAN.**

14 (a) PLAN REQUIREMENTS.—The Association shall
15 prepare and submit for review and approval by the Sec-
16 retary, a Cultural Heritage and Management Plan for the
17 Heritage Area that presents comprehensive recommenda-
18 tions and strategies for the conservation, funding, man-
19 agement, and development of the Heritage Area. The Plan
20 shall—

21 (1) take into consideration current Federal,
22 State, county, and local plans and involve residents,
23 public agencies, and private organizations in the
24 Heritage Area, but shall coordinate those plans and

1 present a unified historic preservation and interpre-
2 tation plan;

3 (2) include a description of actions that units of
4 government and private organizations are rec-
5 ommended to take to protect the resources of the
6 Heritage Area; and

7 (3) identify existing and potential sources of
8 Federal and non-Federal funding for the conserva-
9 tion, management, and development of the Heritage
10 Area, and include—

11 (A) an inventory which includes any prop-
12 erty in the Heritage Area that should be con-
13 served, restored, managed, developed, or main-
14 tained because of the natural, cultural, rec-
15 reational or historic significance to the themes
16 of the Heritage Area;

17 (B) a recommendation of policies for re-
18 source management and protection that con-
19 sider and detail the application of appropriate
20 land and water management techniques, includ-
21 ing the development of intergovernmental coop-
22 erative agreements to manage and protect the
23 historical, cultural, and natural resources and
24 recreation opportunities of the Heritage Area in

1 a manner consistent with supporting compatible
2 economic revitalization efforts;

3 (C) a program of strategies and actions to
4 implement the Plan, including identification of
5 the roles of agencies and organizations which
6 are party to the implementation of the Plan,
7 identification of specific restoration and con-
8 struction plans or goals, and identification of a
9 program of public involvement, annual work
10 plans and reports, and the role of the Associa-
11 tion;

12 (D) an analysis of ways in which Federal,
13 State, and local programs may best be coordi-
14 nated to promote the purposes of this Act;

15 (E) an interpretive and educational plan
16 for the Heritage Area;

17 (F) any revisions proposed by the Associa-
18 tion to the boundaries of the Heritage Area and
19 requested by the affected local government; and

20 (G) a process to provide public access to
21 the Association for the purpose of attempting to
22 informally resolve any disputes arising from the
23 Plan.

1 (b) APPROVAL OF PLAN.—The Secretary shall ap-
2 prove or disapprove the Plan in accordance with section
3 8(b).

4 **SEC. 7. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE**
5 **ASSOCIATION.**

6 (a) AUTHORITIES.—The Association may, for pur-
7 poses of preparing and implementing the Plan, use Fed-
8 eral funds made available through this Act—

9 (1) to make grants to the Commonwealth of
10 Massachusetts, its political subdivisions, or both, the
11 State of New Hampshire, its political subdivisions,
12 or both, nonprofit organizations, and other persons;

13 (2) to enter into cooperative agreements with or
14 provide technical assistance to the Commonwealth of
15 Massachusetts, its political subdivisions, or both, the
16 State of New Hampshire, its political subdivisions,
17 or both, nonprofit organizations, and other organiza-
18 tions;

19 (3) to hire and compensate staff;

20 (4) to obtain money from any source and to
21 participate in any program or law requiring the re-
22 cipient of such money to make a contribution in
23 order to receive such money; and

24 (5) to contract for goods and services.

1 (b) PROHIBITION OF ACQUISITION OF REAL PROP-
2 ERTY.—The Association may not use Federal funds re-
3 ceived under this Act to acquire real property or any inter-
4 est in real property. Nothing in this Act shall preclude
5 the Association from acquiring real property or any inter-
6 est in real property using other funds intended for that
7 purpose.

8 (c) DUTIES OF THE ASSOCIATION.—The Association
9 shall carry out the following duties:

10 (1) Prepare and submit to the Secretary for ap-
11 proval a plan as described in section 6 not later than
12 3 years after the date of the enactment of this Act.
13 If the Plan is not submitted to the Secretary as re-
14 quired under this paragraph within the specified
15 time, the Heritage Area shall no longer qualify for
16 Federal funding until the Plan is submitted and ap-
17 proved by the Secretary.

18 (2) Give priority to the implementation of ac-
19 tions, goals, and strategies set forth in the Plan, in-
20 cluding assisting units of government and others
21 in—

22 (A) carrying out the programs that recog-
23 nize and protect important resource values
24 within the Heritage Area;

1 (B) encouraging, by appropriate means,
2 economic viability in the Heritage Area con-
3 sistent with the goals of the Plan;

4 (C) establishing and maintaining interpre-
5 tive exhibits in the Heritage Area;

6 (D) developing recreational and edu-
7 cational opportunities in the Heritage Area;

8 (E) increasing public awareness of and ap-
9 preciation for the natural, historical, and cul-
10 tural resources of the Heritage Area;

11 (F) restoring historic buildings that are lo-
12 cated within the boundaries of the Heritage
13 Area relating to the themes of the Heritage
14 Area; and

15 (G) ensuring that clear, consistent, and ap-
16 propriate signs identifying public access points
17 and sites of interest are posted throughout the
18 Heritage Area.

19 (3) Prepare and implement the Plan while con-
20 sidering the interests of diverse units of government,
21 businesses, private property owners, and nonprofit
22 groups within the Heritage Area.

23 (4) Conduct Association meetings open to the
24 public at least quarterly regarding the development
25 and implementation of the Plan.

1 (5) Submit an annual report to the Secretary
2 for any fiscal year in which the Association receives
3 Federal funds under this Act, setting forth its ac-
4 complishments, its expenses and income, including
5 the entities to which it made grants during the year
6 for which the report is made.

7 (6) Make available for audit for any fiscal year
8 in which it receives Federal funds under this Act, by
9 the Congress, the Secretary, and appropriate units
10 of government, all records and other information
11 pertaining to the expenditure of such funds and any
12 matching funds; and require, for all agreements au-
13 thORIZING expenditure of Federal funds by other or-
14 ganizations, that the receiving organizations make
15 available for such audit all records and other infor-
16 mation pertaining to the expenditure of such funds.

17 **SEC. 8. DUTIES AND AUTHORITIES OF THE SECRETARY.**

18 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

19 (1) IN GENERAL.—The Secretary may, upon
20 the request of the Association, provide technical and
21 financial assistance to the Heritage Area to develop
22 and implement the approved Plan. In assisting the
23 Heritage Area, the Secretary shall give priority to
24 actions that in general assist in—

1 (A) conserving the significant natural, his-
2 toric, and cultural resources of the Heritage
3 area; and

4 (B) providing educational, interpretive, and
5 recreational opportunities consistent with the
6 purposes of the Heritage Area.

7 (2) SPENDING FOR NONFEDERALLY OWNED
8 PROPERTY.—Federal funds made available by the
9 Secretary to the Association may be spent directly
10 on nonfederally owned property identified in the
11 Plan, or listed or eligible for listing on the National
12 Register of Historic Places.

13 (3) OTHER ASSISTANCE.—The Secretary may
14 enter into cooperative agreements with public and
15 private organizations for the purposes of imple-
16 menting this subsection.

17 (b) APPROVAL AND DISAPPROVAL OF PLAN.—

18 (1) IN GENERAL.—The Secretary shall approve
19 or disapprove the Plan not later than 90 days after
20 receiving the Plan.

21 (2) CRITERIA FOR APPROVAL.—In determining
22 whether to approve the Plan, the Secretary shall
23 consider whether—

24 (A) the Association has afforded adequate
25 opportunity, including public hearings, for pub-

1 lic and governmental involvement in the prepa-
2 ration of the Plan;

3 (B) the resource protection and interpreta-
4 tion strategies contained in the Plan, if imple-
5 mented, would adequately protect the historic
6 and cultural resources of the Heritage Area;
7 and

8 (C) the Secretary has received adequate
9 assurances from the appropriate state and local
10 officials whose support is needed to ensure the
11 effective implementation of the State and local
12 aspects of the Plan.

13 (3) ACTION FOLLOWING DISAPPROVAL.—If the
14 Secretary disapproves the Plan, the Secretary shall
15 advise the Association in writing of the reasons
16 therefor and shall make recommendations for revi-
17 sions to the Plan. The Secretary shall approve or
18 disapprove a proposed revision within 60 days after
19 the date it is submitted.

20 (c) APPROVAL OF AMENDMENTS.—Substantial
21 amendments to the Plan shall be reviewed by the Sec-
22 retary and approved in the same manner as provided for
23 the original Plan. The Association shall not use Federal
24 funds authorized by this Act to implement any amend-

1 ments until the amendments are approved by the Sec-
2 retary.

3 **SEC. 9. DUTIES OF OTHER FEDERAL AGENCIES.**

4 Any Federal entity conducting or supporting activi-
5 ties directly affecting the Heritage Area shall consider the
6 potential effect of the activity on the purposes and the
7 Plan, and shall consult with the Association with respect
8 to the activity, and to the extent practicable conduct or
9 support such activities to avoid adverse effects on the pur-
10 poses of the Heritage Area.

11 **SEC. 10. RELATIONSHIP TO LAND USE REGULATION AND**
12 **PRIVATE PROPERTY.**

13 (a) LAND USE REGULATION.—The Association shall
14 provide assistance and encouragement to State and local
15 governments and to private organizations and individuals
16 to protect and promote the resources and values of the
17 Heritage Area. Nothing in this Act is intended to abrogate
18 in any way the authority of State or local governments.
19 Nothing in this Act may be construed to provide any au-
20 thority to the Association to regulate any use of land
21 under this or any other law, nor to grant any zoning or
22 land use authority to the Association.

23 (b) PRIVATE PROPERTY.—The Association shall be
24 an advocate for land management practices consistent
25 with the purposes of the Heritage Area. This Act provides

1 no authority to the Association to abridge the rights of
2 any person with regard to private property. Nothing in
3 this Act is intended to abrogate in any way any State or
4 local authority regarding private property. Nothing in this
5 Act shall impose any additional burden on any property
6 owner by the listing of his property pursuant to section
7 6(a)(3)(A).

8 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated for the purposes of this Act not more than
11 \$1,000,000 for any fiscal year. Not more than a total of
12 \$10,000,000 may be appropriated for the Heritage Area
13 under this Act.

14 (b) MATCHING FUNDS.—Federal funding provided
15 under this Act may not exceed 50 percent of the total cost
16 of any assistance or grant provided or authorized under
17 this Act.

18 **SEC. 12. SUNSET.**

19 The authority of the Secretary to provide assistance
20 under this Act shall terminate on the day occurring 15
21 years after the date of the enactment of this Act.

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