

109TH CONGRESS
1ST SESSION

S. 322

To establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. JEFFORDS (for himself, Mr. LEAHY, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York, 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 “Champlain Valley Na-
5 tional Heritage Partnership Act of 2005”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the Champlain Valley and its extensive cul-
9 tural and natural resources have played a significant

1 role in the history of the United States and the indi-
2 vidual States of Vermont and New York;

3 (2) archaeological evidence indicates that the
4 Champlain Valley has been inhabited by humans
5 since the last retreat of the glaciers, with the Native
6 Americans living in the area at the time of Euro-
7 pean discovery being primarily of Iroquois and
8 Algonquin descent;

9 (3) the linked waterways of the Champlain Val-
10 ley, including the Richelieu River in Canada, played
11 a unique and significant role in the establishment
12 and development of the United States and Canada
13 through several distinct eras, including—

14 (A) the era of European exploration, dur-
15 ing which Samuel de Champlain and other ex-
16 plorers used the waterways as a means of ac-
17 cess through the wilderness;

18 (B) the era of military campaigns, includ-
19 ing highly significant military campaigns of the
20 French and Indian War, the American Revolu-
21 tion, and the War of 1812; and

22 (C) the era of maritime commerce, during
23 which canals boats, schooners, and steamships
24 formed the backbone of commercial transpor-
25 tation for the region;

1 (4) those unique and significant eras are best
2 described by the theme “The Making of Nations and
3 Corridors of Commerce”;

4 (5) the artifacts and structures associated with
5 those eras are unusually well-preserved;

6 (6) the Champlain Valley is recognized as hav-
7 ing one of the richest collections of historical re-
8 sources in North America;

9 (7) the history and cultural heritage of the
10 Champlain Valley are shared with Canada and the
11 Province of Quebec;

12 (8) there are benefits in celebrating and pro-
13 moting this mutual heritage;

14 (9) tourism is among the most important indus-
15 tries in the Champlain Valley, and heritage tourism
16 in particular plays a significant role in the economy
17 of the Champlain Valley;

18 (10) it is important to enhance heritage tourism
19 in the Champlain Valley while ensuring that in-
20 creased visitation will not impair the historical and
21 cultural resources of the region;

22 (11) according to the 1999 report of the Na-
23 tional Park Service entitled “Champlain Valley Her-
24 itage Corridor Project”, “the Champlain Valley con-
25 tains resources and represents a theme ‘The Making

1 of Nations and Corridors of Commerce’, that is of
2 outstanding importance in U.S. history’; and

3 (12) it is in the interest of the United States
4 to preserve and interpret the historical and cultural
5 resources of the Champlain Valley for the education
6 and benefit of present and future generations.

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

8 (1) to establish the Champlain Valley National
9 Heritage Partnership in the States of Vermont and
10 New York to recognize the importance of the histor-
11 ical, cultural, and recreational resources of the
12 Champlain Valley region to the United States;

13 (2) to assist the State of Vermont and New
14 York, including units of local government and non-
15 governmental organizations in the States, in pre-
16 serving, protecting, and interpreting those resources
17 for the benefit of the people of the United States;

18 (3) to use those resources and the theme “The
19 Making of Nations and Corridors of Commerce”
20 to—

21 (A) revitalize the economy of communities
22 in the Champlain Valley; and

23 (B) generate and sustain increased levels
24 of tourism in the Champlain Valley;

25 (4) to encourage—

1 (A) partnerships among State and local
2 governments and nongovernmental organiza-
3 tions in the United States; and

4 (B) collaboration with Canada and the
5 Province of Quebec to—

6 (i) interpret and promote the history
7 of the waterways of the Champlain Valley
8 region;

9 (ii) form stronger bonds between the
10 United States and Canada; and

11 (iii) promote the international aspects
12 of the Champlain Valley region; and

13 (5) to provide financial and technical assistance
14 for the purposes described in paragraphs (1)
15 through (4).

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **HERITAGE PARTNERSHIP.**—The term “Her-
19 itage Partnership” means the Champlain Valley Na-
20 tional Heritage Partnership established by section
21 4(a).

22 (2) **MANAGEMENT ENTITY.**—The term “man-
23 agement entity” means the Lake Champlain Basin
24 Program.

1 (3) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the management plan developed
3 under section 4(b)(B)(i).

4 (4) REGION.—

5 (A) IN GENERAL.—The term “region”
6 means any area or community in 1 of the
7 States in which a physical, cultural, or histor-
8 ical resource that represents the theme is lo-
9 cated.

10 (B) INCLUSIONS.—The term “region” in-
11 cludes

12 (i) the linked navigable waterways
13 of—

14 (I) Lake Champlain;

15 (II) Lake George;

16 (III) the Champlain Canal; and

17 (IV) the portion of the Upper
18 Hudson River extending south to
19 Saratoga;

20 (ii) portions of Grand Isle, Franklin,
21 Chittenden, Addison, Rutland, and
22 Bennington Counties in the State of
23 Vermont; and

1 (iii) portions of Clinton, Essex, War-
 2 ren, Saratoga and Washington Counties in
 3 the State of New York.

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

6 (6) STATE.—the term “State” means—

7 (A) the State of Vermont; and

8 (B) the State of New York.

9 (7) THEME.—The term “theme” means the
 10 theme “The Making of Nations and Corridors of
 11 Commerce”, as the term is used in the 1999 report
 12 of the National Park Service entitled “Champlain
 13 Valley Heritage Corridor Project”, that describes the
 14 periods of international conflict and maritime com-
 15 merce during which the region played a unique and
 16 significant role in the development of the United
 17 States and Canada.

18 **SEC. 4. HERITAGE PARTNERSHIP.**

19 (a) ESTABLISHMENT.—There is established in the re-
 20 gional the Champlain Valley National Heritage Partner-
 21 ship.

22 (b) MANAGEMENT ENTITY.—

23 (1) DUTIES.—

24 (A) IN GENERAL.—The management entity
 25 shall implement the Act.

1 (B) MANAGEMENT PLAN.—

2 (i) IN GENERAL.—Not later than 3
3 years after the date of enactment of this
4 Act, the management entity shall develop a
5 management plan for the Heritage Part-
6 nership.

7 (ii) EXISTING PLAN.—Pending the
8 completion and approval of the manage-
9 ment plan, the management entity may im-
10 plement the provisions of this Act based on
11 its federally authorized plan “Opportuni-
12 ties for Action, an Evolving Plan For Lake
13 Champlain”.

14 (iii) CONTENTS.—The management
15 plan shall include—

16 (I) recommendations for funding,
17 managing, and developing the Herit-
18 age Partnership;

19 (II) a description of activities to
20 be carried out by public and private
21 organizations to protect the resources
22 of the Heritage Partnership;

23 (III) a list of specific, potential
24 sources of funding for the protection,

1 management, and development of the
2 Heritage Partnership;

3 (IV) an assessment of the organi-
4 zational capacity of the management
5 entity to achieve the goals for imple-
6 mentation; and

7 (V) recommendations of ways in
8 which to encourage collaboration with
9 Canada and the Province of Quebec in
10 implementing this Act.

11 (iv) CONSIDERATIONS.—In developing
12 the management plan under clause (i), the
13 management entity shall take into consid-
14 eration existing Federal, State, and local
15 plans relating to the region.

16 (v) SUBMISSION TO SECRETARY FOR
17 APPROVAL.—

18 (I) IN GENERAL.—Not later than
19 3 years after the date of enactment of
20 this Act, the management entity shall
21 submit the management plan to the
22 Secretary for approval.

23 (II) EFFECT OF FAILURE TO
24 SUBMIT.—If a management plan is
25 not submitted to the Secretary by the

1 date specified in paragraph (I), the
2 Secretary shall not provide any addi-
3 tional funding under this Act until a
4 management plan for the Heritage
5 Partnership is submitted to the Sec-
6 retary.

7 (vi) APPROVAL.—Not later than 90
8 days after receiving the management plan
9 submitted under subparagraph (V)(I), the
10 Secretary, in consultation with the States,
11 shall approve or disapprove the manage-
12 ment plan.

13 (vii) ACTION FOLLOWING DIS-
14 APPROVAL.—

15 (I) GENERAL.—If the Secretary
16 disapproves a management plan under
17 subparagraph (vi), the Secretary
18 shall—

19 (aa) advise the management
20 entity in writing of the reasons
21 for the disapproval;

22 (bb) make recommendations
23 for revisions to the management
24 plan; and

1 (cc) allow the management
2 entity to submit to the Secretary
3 revisions to the management
4 plan.

5 (II) DEADLINE FOR APPROVAL
6 OF REVISION.—Not later than 90
7 days after the date on which a revi-
8 sion is submitted under subparagraph
9 (vii)(I)(cc), the Secretary shall ap-
10 prove or disapprove the revision.

11 (viii) AMENDMENT.—

12 (I) IN GENERAL.—After approval
13 by the Secretary of the management
14 plan, the management entity shall pe-
15 riodically—

16 (aa) review the management
17 plan; and

18 (bb) submit to the Sec-
19 retary, for review and approval
20 by the Secretary, the rec-
21 ommendations of the manage-
22 ment entity for any amendments
23 to the management plan that the
24 management entity considers to
25 be appropriate.

1 (II) EXPENDITURE OF FUNDS.—

2 No funds made available under this
3 Act shall be used to implement any
4 amendment proposed by the manage-
5 ment entity under subparagraph
6 (viii)(1) until the Secretary approves
7 the amendments.

8 (2) PARTNERSHIPS.—

9 (A) IN GENERAL.—In carrying out this
10 Act, the management entity may enter into
11 partnerships with—

12 (i) the States, including units of local
13 governments in the States;

14 (ii) nongovernmental organizations;

15 (iii) Indian Tribes; and

16 (iv) other persons in the Heritage
17 Partnership.

18 (B) GRANTS.—Subject to the availability
19 of funds, the management entity may provide
20 grants to partners under subparagraph (A) to
21 assist in implementing this Act.

22 (3) PROHIBITION ON THE ACQUISITION OF
23 REAL PROPERTY.—The management entity shall not
24 use Federal funds made available under this Act to

1 acquire real property or any interest in real prop-
2 erty.

3 (c) ASSISTANCE FROM SECRETARY.—To carry out
4 the purposes of this Act, the Secretary may provide tech-
5 nical and financial assistance to the management entity.

6 **SEC. 5. EFFECT.**

7 Nothing in this Act—

8 (1) grants powers of zoning or land use to the
9 management entity;

10 (2) modifies, enlarges, or diminishes the author-
11 ity of the Federal Government or a State or local
12 government to manage or regulate any use of land
13 under any law (including regulations); or

14 (3) obstructs or limits private business develop-
15 ment activities or resource development activities.

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated to carry out this Act not more than a total of
19 \$10,000,000, of which not more than \$1,000,000 may be
20 made available for any fiscal year.

21 (b) NON-FEDERAL SHARE.—The non-Federal share
22 of the cost of any activities carried out using Federal
23 funds made available under subsection (a) not be less than
24 50 percent.

1 **SEC. 7. TERMINATION OF AUTHORITY.**

2 The authority of the Secretary to provide assistance
3 under this Act terminates on the date that is 15 years
4 after the date of enactment of this Act.

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