

Calendar No. 535

111TH CONGRESS
2^D SESSION

S. 2892

[Report No. 111-265]

To establish the Alabama Black Belt National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 16, 2009

Mr. SHELBY (for himself and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 5, 2010

Reported by Mr. BINGAMAN, with amendments

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A BILL

To establish the Alabama Black Belt 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 “Alabama Black Belt National Heritage Area Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Designation of Alabama Black Belt National Heritage Area.
- Sec. 6. Local coordinating entity.
- Sec. 7. Management plan.
- Sec. 8. Evaluation; report.
- Sec. 9. Relationship to other Federal agencies.
- Sec. 10. Private property and regulatory protections.
- Sec. 11. Authorization of appropriations.
- Sec. 12. Use of Federal funds from other sources.
- Sec. 13. Termination of financial assistance.

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- Sec. 3. Designation of Alabama Black Belt National Heritage Area.*
- Sec. 4. Local coordinating entity.*
- Sec. 5. Management plan.*
- Sec. 6. Evaluation; report.*
- Sec. 7. Relationship to other Federal agencies.*
- Sec. 8. Private property and regulatory protections.*
- Sec. 9. Authorization of appropriations.*
- Sec. 10. Use of Federal funds from other sources.*
- Sec. 11. Termination of financial assistance.*

5 **SEC. 2. FINDINGS.**

6 Congress finds the following:

7 (1) The Black Belt area in the lower-central
8 portion of Alabama is a region that sustains an
9 abundance of natural resources, historical sites, cul-
10 tural diversity, and recreational activities shaped by
11 its fertile black soil.

12 (2) The Alabama Black Belt National Heritage
13 Area feasibility study includes the 19 counties of
14 Bibb, Bullock, Butler, Choctaw, Clarke, Conecuh,

1 Dallas, Greene, Hale, Lowndes, Macon, Marengo,
2 Monroe, Montgomery, Perry, Pickens, Sumter,
3 Washington, and Wilcox in the State of Alabama.

4 (3) The geography of the Black Belt is com-
5 prised of threatened prairies, forests, and rivers that
6 contain incredibly diverse species of flora and fauna.

7 (4) The Black Belt region struggles with a de-
8 clining population, a high unemployment rate, insuf-
9 ficient schools and health care, and 8 of the 100
10 poorest counties in the United States.

11 (5) The Black Belt region includes Moundville,
12 the second largest Native American ceremonial cen-
13 ter of the Mississippian period.

14 (6) The Black Belt region is characterized by
15 its distinctive geography and its exceptionally fertile
16 black soil, which influenced the construction of a
17 large network of cotton plantations and antebellum
18 architecture, which in turn led to the city of Mont-
19 gomery being established as the first capital of the
20 Confederacy.

21 (7) The Black Belt region was the center of the
22 American civil rights movement, including the his-
23 torical scenes of the Montgomery Bus Boycott and
24 the Selma to Montgomery March, which led to the

1 Civil Rights Act of 1964 and the Voting Rights Act
2 of 1965.

3 (8) The Black Belt region is home to Harper
4 Lee, who wrote the Pulitzer Prize winning novel “To
5 Kill a Mockingbird”.

6 (9) The Black Belt region is home to the Gee’s
7 Bend Quilters, whose artistic talents have been dis-
8 played in the Smithsonian Museum and featured on
9 United States postage stamps.

10 (10) The Black Belt is home to three units of
11 the National Park System: the Selma to Mont-
12 gomery National Historic Trail, the Tuskegee Air-
13 men National Historic Site, and the Tuskegee Insti-
14 tute National Historic Site.

15 (11) The Black Belt includes two National For-
16 ests maintained by the Forest Service: the Talladega
17 National Forest-Oakmulgee District and the
18 Tuskegee National Forest. The Bartram Trail, a
19 National Recreation Trail, runs through the
20 Tuskegee National Forest.

21 (12) The Black Belt includes two National
22 Wildlife Refuges maintained by the U.S. Fish and
23 Wildlife Service: the Cahaba National Wildlife Ref-
24 uge and the Choctaw National Wildlife Refuge.

1 (13) The Black Belt is home to two Army
2 Corps of Engineers projects: the Alabama River
3 Lakes and the Black Warrior and Tombigbee Lakes.
4 The Corps management offices are located in
5 Lowndes, Marengo, and Wilcox Counties within the
6 Black Belt. Many public recreation and natural re-
7 sources sites are managed by the Corps in these
8 river basins.

9 **SEC. 3. PURPOSES.**

10 The purposes of this Act are—

11 (1) to recognize the significant natural and cul-
12 tural legacies of the area, as described in the study
13 titled “Alabama Black Belt Heritage Area: Feasi-
14 bility Study for National Heritage Area Designa-
15 tion”, prepared for the National Park Service in
16 March, 2009;

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

20 (3) to recognize and interpret important events
21 and geographic locations of Alabama’s Black Belt
22 region, including the Montgomery Bus Boycott and
23 the Selma to Montgomery March, and the region’s
24 exceptionally fertile soil, prairies, forests and rivers;

1 (4) to recognize and interpret the distinctive
2 role the region played in the history of the United
3 States, including the Civil War, with Montgomery
4 serving as the first capital of the Confederacy and
5 later as the center of the American Civil Rights
6 movement;

7 (5) to provide a cooperative management frame-
8 work to foster a close working relationship with all
9 levels of government, the private sector, and the
10 local communities in the region in identifying, pre-
11 serving, interpreting, and developing the natural,
12 historical, cultural, educational, scenic, and rec-
13 reational resources of the region for the educational
14 and inspirational benefit of current and future gen-
15 erations; and

16 (6) to provide appropriate linkages between
17 units of the National Park System and communities,
18 governments, and organizations within the National
19 Heritage Area.

20 **SEC. 4.2. DEFINITIONS.**

21 In this Act:

22 (1) NATIONAL HERITAGE AREA.—The term
23 “National Heritage Area” means the Alabama Black
24 Belt National Heritage Area established by this Act.

1 (2) LOCAL COORDINATING ENTITY.—The term
2 “local coordinating entity” means the Center for the
3 Study of the Black Belt at the University of West
4 Alabama.

5 (3) MANAGEMENT PLAN.—The term “manage-
6 ment plan” means the plan prepared by the local co-
7 ordinating entity for the National Heritage Area in
8 accordance with this Act.

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

11 **SEC. 5.3. DESIGNATION OF ALABAMA BLACK BELT NA-**
12 **TIONAL HERITAGE AREA.**

13 (a) ESTABLISHMENT.—There is hereby established
14 the Alabama Black Belt National Heritage Area in the
15 State of Alabama.

16 (b) BOUNDARIES.—

17 (1) IN GENERAL.—~~The National Heritage Area~~

18 (b) BOUNDARIES.—*The National Heritage Area* shall
19 consist of sites as designated by the management plan
20 within a core area located in Alabama, consisting of Bibb,
21 Bullock, Butler, Choctaw, Clarke, Conecuh, Dallas,
22 Greene, Hale, Lowndes, Macon, Marengo, Monroe, Mont-
23 gomery, Perry, Pickens, Sumter, Washington, and Wilcox
24 counties.

1 (2) MAP.—The boundaries of the National Her-
 2 itage Area shall be as generally depicted on the map
 3 titled “_____”, and numbered
 4 _____; and dated _____. The map shall
 5 be on file and available to the public in the appro-
 6 priate offices of the National Park Service and the
 7 local coordinating entity.

8 **SEC. 6.4. LOCAL COORDINATING ENTITY.**

9 (a) DESIGNATION.—The Center for the Study of the
 10 Black Belt at the University of West Alabama shall be
 11 the local coordinating entity for the National Heritage
 12 Area.

13 (b) DUTIES.—To further the purposes of the Na-
 14 tional Heritage Area, the local coordinating entity shall—

15 (1) submit a management plan to the Secretary
 16 in accordance with this Act;

17 (2) submit an annual report to the Secretary
 18 for each fiscal year for which the local coordinating
 19 entity receives Federal funds under this Act, speci-
 20 fying—

21 (A) the specific performance goals and ac-
 22 complishments of the local coordinating entity;

23 (B) the expenses and income of the local
 24 coordinating entity;

1 (C) the amounts and sources of matching
2 funds;

3 (D) the amounts of non-Federal funds le-
4 veraged with Federal funds and sources of the
5 leveraging; and

6 (E) grants made to any other entities dur-
7 ing the fiscal year;

8 (3) make available for audit, for each fiscal
9 year for which the local coordinating entity receives
10 Federal funds under this Act, all information per-
11 taining to the expenditure of the funds and any
12 matching funds; and

13 (4) encourage economic viability and sustain-
14 ability that is consistent with the purposes of the
15 National Heritage Area.

16 (c) AUTHORITIES.—For the purposes of preparing
17 and implementing the approved management plan, the
18 local coordinating entity may use Federal funds received
19 under this Act—

20 (1) to make grants to political jurisdictions,
21 nonprofit organizations, and other parties within the
22 National Heritage Area;

23 (2) to enter into cooperative agreements with or
24 provide technical assistance to political jurisdictions,

1 nonprofit organizations, Federal agencies, and other
2 interested parties;

3 (3) to hire and compensate staff, including indi-
4 viduals with expertise in—

5 (A) natural, historical, cultural, edu-
6 cational, scenic, and recreational resource con-
7 servation;

8 (B) economic and community development;
9 and

10 (C) heritage planning;

11 (4) to obtain funds or services from any source,
12 including other Federal programs;

13 (5) to contract for goods or services; and

14 (6) to support activities of partners and any
15 other activities that further the purposes of the Na-
16 tional Heritage Area and are consistent with the ap-
17 proved management plan.

18 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
19 erty.—The local coordinating entity may not use Federal
20 funds received under this Act to acquire any interest in
21 real property.

22 **SEC. 7.5. MANAGEMENT PLAN.**

23 (a) REQUIREMENTS.—The management plan shall—

24 (1) describe comprehensive policies, goals, strat-
25 egies, and recommendations for telling the story of

1 the heritage of the area covered by the National
2 Heritage Area and encouraging long-term resource
3 protection, enhancement, interpretation, funding,
4 management, and development of the National Her-
5 itage Area;

6 (2) include a description of actions and commit-
7 ments that Federal, State, and local governments,
8 private organizations, and citizens plan to take to
9 protect, enhance, interpret, fund, manage, and de-
10 velop the natural, historical, cultural, educational,
11 scenic, and recreational resources of the National
12 Heritage Area;

13 (3) specify existing and potential sources of
14 funding or economic development strategies to pro-
15 tect, enhance, interpret, fund, manage, and develop
16 the National Heritage Area;

17 (4) include an inventory of the natural, histor-
18 ical, cultural, educational, scenic, and recreational
19 resources of the National Heritage Area related to
20 the national importance and themes of the National
21 Heritage Area that should be protected, enhanced,
22 interpreted, funded, managed, and developed;

23 (5) include recommendations for resource man-
24 agement policies and strategies, including the devel-
25 opment of intergovernmental and interagency agree-

1 ments to protect, enhance, interpret, fund, manage,
2 and develop the natural, historical, cultural, edu-
3 cational, scenic, and recreational resources of the
4 National Heritage Area;

5 (6) describe a program for implementation of
6 the management plan, including—

7 (A) performance goals;

8 (B) plans for resource protection, enhance-
9 ment, interpretation, funding, management, and
10 development; and

11 (C) specific commitments for implementa-
12 tion that have been made by the local coordi-
13 nating entity or any Federal, State, or local
14 government agency, organization, business, or
15 individual;

16 (7) include an analysis of, and recommenda-
17 tions for, means by which Federal, State, and local
18 programs may best be coordinated (including the
19 role of the National Park Service and other Federal
20 agencies associated with the National Heritage
21 Area) to further the purposes of this Act; and

22 (8) include a business plan that—

23 (A) describes the role, operation, financing,
24 and functions of the local coordinating entity

1 and of each of the major activities described in
2 the management plan; and

3 (B) provides adequate assurances that the
4 local coordinating entity has the partnerships
5 and financial and other resources necessary to
6 implement the management plan.

7 (b) DEADLINE.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date on which funds are made available pursuant
10 to this Act to develop the management plan, the
11 local coordinating entity shall submit the manage-
12 ment plan to the Secretary for approval.

13 (2) TERMINATION OF FUNDING.—If the man-
14 agement plan is not submitted to the Secretary in
15 accordance with paragraph (1), the local coordi-
16 nating entity may not receive any additional finan-
17 cial assistance under this Act until such time as the
18 management plan is submitted to and approved by
19 the Secretary.

20 (c) APPROVAL OF MANAGEMENT PLAN.—

21 (1) REVIEW.—Not later than 180 days after re-
22 ceiving the management plan, the Secretary shall re-
23 view and approve or disapprove the management
24 plan on the basis of the criteria listed in paragraph
25 (3).

1 (2) CONSULTATION.—The Secretary shall con-
2 sult with the Governor of Alabama before approving
3 a management plan.

4 (3) CRITERIA FOR APPROVAL.—In determining
5 whether to approve a management plan, the Sec-
6 retary shall consider whether—

7 (A) the local coordinating entity—

8 (i) represents the diverse interests of
9 the National Heritage Area, including Fed-
10 eral, State, and local governments, natural,
11 and historical resource protection organiza-
12 tions, educational institutions, businesses,
13 recreational organizations, community resi-
14 dents, and private property owners;

15 (ii) has afforded adequate opportunity
16 for public and Federal, State, and local
17 governmental involvement (including
18 through workshops and public meetings) in
19 the preparation of the management plan;

20 (iii) provides for at least semiannual
21 public meetings to ensure adequate imple-
22 mentation of the management plan; and

23 (iv) has demonstrated the financial
24 capability, in partnership with others, to
25 carry out the management plan;

1 (B) the management plan—

2 (i) describes resource protection, en-
3 hancement, interpretation, funding, man-
4 agement, and development strategies
5 which, if implemented, would adequately
6 protect, enhance, interpret, fund, manage,
7 and develop the natural, historical, cul-
8 tural, educational, scenic, and recreational
9 resources of the National Heritage Area;

10 (ii) would not adversely affect any ac-
11 tivities authorized on Federal land under
12 public applicable laws or land use plans;

13 (iii) demonstrates partnerships among
14 the local coordinating entity, Federal,
15 State, and local governments, regional
16 planning organizations, nonprofit organiza-
17 tions, and private sector parties for imple-
18 mentation of the management plan; and

19 (iv) complies with the requirements of
20 this section; and

21 (C) the Secretary has received adequate
22 assurances from the appropriate State and local
23 officials whose support is needed that the State
24 and local aspects of the management plan will
25 be effectively implemented.

1 (4) DISAPPROVAL.—

2 (A) IN GENERAL.—If the Secretary dis-
3 approves the management plan, the Secretary—

4 (i) shall advise the local coordinating
5 entity in writing of the reasons for the dis-
6 approval; and

7 (ii) may make recommendations to the
8 local coordinating entity for revisions to
9 the management plan.

10 (B) DEADLINE.—Not later than 180 days
11 after receiving a revised management plan, the
12 Secretary shall approve or disapprove the re-
13 vised management plan.

14 (5) AMENDMENTS.—

15 (A) IN GENERAL.—An amendment to the
16 approved management plan that substantially
17 alters such plan shall be reviewed by the Sec-
18 retary and approved or disapproved in the same
19 manner as the original management plan.

20 (B) IMPLEMENTATION.—The local coordi-
21 nating entity shall not use Federal funds re-
22 ceived under this Act to implement a substan-
23 tial amendment to the management plan until
24 the Secretary approves the amendment.

25 (6) AUTHORITIES.—The Secretary may—

1 (A) provide technical assistance under the
2 authority of this Act for the development and
3 implementation of the management plan; and

4 (B) enter into cooperative agreements with
5 interested parties to carry out this Act.

6 **SEC. 8.6. EVALUATION; REPORT.**

7 (a) EVALUATION.—The Secretary shall conduct an
8 evaluation of the accomplishments of the National Herit-
9 age Area. An evaluation conducted under this subsection
10 shall—

11 (1) assess the progress of the local coordinating
12 entity with respect to—

13 (A) accomplishing the purposes of this Act
14 for the National Heritage Area; and

15 (B) achieving the goals and objectives of
16 the approved management plan;

17 (2) analyze the Federal, State, and local gov-
18 ernment, and private investments in the National
19 Heritage Area to determine the impact of the invest-
20 ments; and

21 (3) review the management structure, partner-
22 ship relationships, and funding of the National Her-
23 itage Area for purposes of identifying the critical
24 components for sustainability of the National Herit-
25 age Area.

1 (b) REPORT.—Not later than 3 years before the date
2 on which authority for Federal funding terminates for the
3 National Heritage Area under this Act, based on the eval-
4 uation conducted under subsection (a), the Secretary shall
5 submit a report to the Committee on Natural Resources
6 of the House of Representatives and the Committee on
7 Energy and Natural Resources of the Senate. The report
8 shall include recommendations for the future role of the
9 National Park Service, if any, with respect to the National
10 Heritage Area.

11 **SEC. 9.7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

12 (a) IN GENERAL.—Nothing in this Act affects the au-
13 thority of a Federal agency to provide technical or finan-
14 cial assistance under any other law.

15 (b) CONSULTATION AND COORDINATION.—The head
16 of any Federal agency planning to conduct activities that
17 may have an impact on the National Heritage Area is en-
18 couraged to consult and coordinate the activities with the
19 Secretary and the local coordinating entity to the max-
20 imum extent practicable.

21 (c) OTHER FEDERAL AGENCIES.—Nothing in this
22 Act—

23 (1) modifies, alters, or amends any law or regu-
24 lation authorizing a Federal agency to manage Fed-

1 eral land under the jurisdiction of the Federal agen-
2 cy;

3 (2) limits the discretion of a Federal land man-
4 ager to implement an approved land use plan within
5 the boundaries of the National Heritage Area; or

6 (3) modifies, alters, or amends any authorized
7 use of Federal land under the jurisdiction of a Fed-
8 eral agency.

9 **SEC. 10.8. PRIVATE PROPERTY AND REGULATORY PROTEC-**
10 **TIONS.**

11 Nothing in this Act—

12 (1) abridges the rights of any owner of public
13 or private property, including the right to refrain
14 from participating in any plan, project, program, or
15 activity conducted within the National Heritage
16 Area;

17 (2) requires any property owner to permit pub-
18 lic access (including access by Federal, State, tribal,
19 or local agencies) to the property of the property
20 owner, or to modify public access or use of property
21 of the property owner under any other Federal,
22 State, tribal, or local law;

23 (3) alters any duly adopted land use regulation,
24 approved land use plan, or other regulatory author-
25 ity of any Federal, State, tribal, or local agency, or

1 conveys any land use or other regulatory authority
 2 to any local coordinating entity, including develop-
 3 ment and management of energy, water, or water-re-
 4 lated infrastructure;

5 (4) authorizes or implies the reservation or ap-
 6 propriation of water or water rights;

7 (5) diminishes the authority of the State to
 8 manage fish and wildlife, including the regulation of
 9 fishing and hunting within the National Heritage
 10 Area; or

11 (6) creates any liability, or affects any liability
 12 under any other law, of any private property owner
 13 with respect to any person injured on the private
 14 property.

15 **SEC. 11.9. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Subject
 17 to subsection (b), there are authorized to be appropriated
 18 to carry out this Act not more than \$1,000,000 for any
 19 fiscal year. Funds so appropriated shall remain available
 20 until expended.

21 (b) LIMITATION ON TOTAL AMOUNTS APPRO-
 22 PRIATED.—Not more than ~~\$15,000,000~~\$10,000,000 may
 23 be appropriated to carry out this Act.

24 (c) COST-SHARING REQUIREMENT.—The Federal
 25 share of the total cost of any activity under this Act shall

1 be not more than 50 percent. The non-Federal contribu-
2 tion may be in the form of in-kind contributions of goods
3 or services fairly valued.

4 **SEC. ~~12.10~~. USE OF FEDERAL FUNDS FROM OTHER**
5 **SOURCES.**

6 Nothing in this Act shall preclude the local coordi-
7 nating entity from using Federal funds available under
8 other laws for the purposes for which those funds were
9 authorized.

10 **SEC. ~~13.11~~. TERMINATION OF FINANCIAL ASSISTANCE.**

11 The authority of the Secretary to provide financial
12 assistance under this Act terminates on the date that is
13 15 years after the date of the enactment of this Act.

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