

112TH CONGRESS
1ST SESSION

S. 1150

To establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2011

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, 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 “Susquehanna Gateway
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) HERITAGE AREA.—The term “Heritage
9 Area” means the Susquehanna Gateway National
10 Heritage Area established by section 3(a).

1 preparing and implementing the management plan, use
2 Federal funds made available under this Act—

3 (1) to prepare reports, studies, interpretive ex-
4 hibits and programs, historic preservation projects,
5 and other activities recommended in the manage-
6 ment plan for the Heritage Area;

7 (2) to make grants to the State, political sub-
8 divisions of the State, nonprofit organizations, and
9 other persons;

10 (3) to enter into cooperative agreements with
11 the State, political subdivisions of the State, non-
12 profit organizations, and other organizations;

13 (4) to hire and compensate staff;

14 (5) to obtain funds or services from any source,
15 including funds and services provided under any
16 other Federal program or law; and

17 (6) to contract for goods and services.

18 (c) DUTIES OF LOCAL COORDINATING ENTITY.—To
19 further the purposes of the Heritage Area, the local co-
20 ordinating entity shall—

21 (1) prepare a management plan for the Herit-
22 age Area in accordance with section 5;

23 (2) give priority to the implementation of ac-
24 tions, goals, and strategies set forth in the manage-

1 ment plan, including assisting units of government
2 and other persons in—

3 (A) carrying out programs and projects
4 that recognize and protect important resource
5 values in the Heritage Area;

6 (B) encouraging economic viability in the
7 Heritage Area in accordance with the goals of
8 the management plan;

9 (C) establishing and maintaining interpre-
10 tive exhibits in the Heritage Area;

11 (D) developing heritage-based recreational
12 and educational opportunities for residents and
13 visitors in the Heritage Area;

14 (E) increasing public awareness of and ap-
15 preciation for the natural, historic, and cultural
16 resources of the Heritage Area;

17 (F) restoring historic buildings that are—

18 (i) located in the Heritage Area; and

19 (ii) related to the themes of the Herit-
20 age Area; and

21 (G) installing throughout the Heritage
22 Area clear, consistent, and appropriate signs
23 identifying public access points and sites of in-
24 terest;

1 (3) consider the interests of diverse units of
2 government, businesses, tourism officials, private
3 property owners, and nonprofit groups within the
4 Heritage Area in developing and implementing the
5 management plan;

6 (4) conduct public meetings at least semiannu-
7 ally regarding the development and implementation
8 of the management plan; and

9 (5) for any fiscal year for which Federal funds
10 are received under this Act—

11 (A) submit to the Secretary an annual re-
12 port that describes—

13 (i) the accomplishments of the local
14 coordinating entity;

15 (ii) the expenses and income of the
16 local coordinating entity; and

17 (iii) the entities to which the local co-
18 ordinating entity made any grants;

19 (B) make available for audit all records re-
20 lating to the expenditure of the Federal funds
21 and any matching funds; and

22 (C) require, with respect to all agreements
23 authorizing the expenditure of Federal funds by
24 other organizations, that the receiving organiza-

1 tions make available for audit all records relat-
2 ing to the expenditure of the Federal funds.

3 (d) PROHIBITION ON ACQUISITION OF REAL PROP-
4 ERTY.—

5 (1) IN GENERAL.—The local coordinating entity
6 shall not use Federal funds received under this Act
7 to acquire real property or any interest in real prop-
8 erty.

9 (2) OTHER SOURCES.—Nothing in this Act pre-
10 cludes the local coordinating entity from using Fed-
11 eral funds from other sources for authorized pur-
12 poses, including the acquisition of real property or
13 any interest in real property.

14 **SEC. 5. MANAGEMENT PLAN.**

15 (a) IN GENERAL.—Not later than 3 years after the
16 date on which funds are first made available to carry out
17 this Act, the local coordinating entity shall prepare and
18 submit to the Secretary a management plan for the Herit-
19 age Area.

20 (b) CONTENTS.—The management plan for the Her-
21 itage Area shall—

22 (1) include comprehensive policies, strategies,
23 and recommendations for the conservation, funding,
24 management, and development of the Heritage Area;

1 (2) take into consideration existing State, coun-
2 ty, and local plans;

3 (3) specify the existing and potential sources of
4 funding to protect, manage, and develop the Herit-
5 age Area;

6 (4) include an inventory of the natural, historic,
7 cultural, educational, scenic, and recreational re-
8 sources of the Heritage Area relating to the themes
9 of the Heritage Area that should be preserved, re-
10 stored, managed, developed, or maintained; and

11 (5) include an analysis of, and recommenda-
12 tions for, ways in which Federal, State, and local
13 programs, may best be coordinated to further the
14 purposes of this Act, including recommendations for
15 the role of the National Park Service in the Heritage
16 Area.

17 (c) DISQUALIFICATION FROM FUNDING.—If a pro-
18 posed management plan is not submitted to the Secretary
19 by the date that is 3 years after the date on which funds
20 are first made available to carry out this Act, the local
21 coordinating entity may not receive additional funding
22 under this Act until the date on which the Secretary re-
23 ceives the proposed management plan.

24 (d) APPROVAL AND DISAPPROVAL OF MANAGEMENT
25 PLAN.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date on which the local coordinating entity
3 submits the management plan to the Secretary, the
4 Secretary shall approve or disapprove the proposed
5 management plan.

6 (2) CONSIDERATIONS.—In determining whether
7 to approve or disapprove the management plan, the
8 Secretary shall consider whether—

9 (A) the local coordinating entity is rep-
10 resentative of the diverse interests of the Herit-
11 age Area, including governments, natural and
12 historic resource protection organizations, edu-
13 cational institutions, businesses, and rec-
14 reational organizations;

15 (B) the local coordinating entity has pro-
16 vided adequate opportunities (including public
17 meetings) for public and governmental involve-
18 ment in the preparation of the management
19 plan;

20 (C) the resource protection and interpreta-
21 tion strategies contained in the management
22 plan, if implemented, would adequately protect
23 the natural, historic, and cultural resources of
24 the Heritage Area; and

1 (D) the management plan is supported by
2 the appropriate State and local officials, the co-
3 operation of which is needed to ensure the ef-
4 fective implementation of the State and local
5 aspects of the management plan.

6 (3) DISAPPROVAL AND REVISIONS.—

7 (A) IN GENERAL.—If the Secretary dis-
8 approves a proposed management plan, the Sec-
9 retary shall—

10 (i) advise the local coordinating entity,
11 in writing, of the reasons for the dis-
12 approval; and

13 (ii) make recommendations for revi-
14 sion of the proposed management plan.

15 (B) APPROVAL OR DISAPPROVAL.—The
16 Secretary shall approve or disapprove a revised
17 management plan not later than 180 days after
18 the date on which the revised management plan
19 is submitted.

20 (e) APPROVAL OF AMENDMENTS.—

21 (1) IN GENERAL.—The Secretary shall review
22 and approve or disapprove substantial amendments
23 to the management plan in accordance with sub-
24 section (d).

1 (2) FUNDING.—Funds appropriated under this
2 Act may not be expended to implement any changes
3 made by an amendment to the management plan
4 until the Secretary approves the amendment.

5 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

9 (b) CONSULTATION AND COORDINATION.—The head
10 of any Federal agency planning to conduct activities that
11 may have an impact on the Heritage Area is encouraged
12 to consult and coordinate the activities with the Secretary
13 and the local coordinating entity to the extent practicable.

14 (c) OTHER FEDERAL AGENCIES.—Nothing in this
15 Act—

16 (1) modifies, alters, or amends any law or regu-
17 lation authorizing a Federal agency to manage Fed-
18 eral land under the jurisdiction of the Federal agen-
19 cy;

20 (2) limits the discretion of a Federal land man-
21 ager to implement an approved land use plan within
22 the boundaries of the Heritage Area; or

23 (3) modifies, alters, or amends any authorized
24 use of Federal land under the jurisdiction of a Fed-
25 eral agency.

1 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
2 **TIONS.**

3 Nothing in this Act—

4 (1) abridges 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) requires any property owner to permit pub-
10 lic access (including access by Federal, State, or
11 local agencies) to the property of the property
12 owner, or to modify public access or use of property
13 of the property owner under any other Federal,
14 State, or local law;

15 (3) alters any duly adopted land use regulation,
16 approved land use plan, or other regulatory author-
17 ity of any Federal, State, or local agency, or conveys
18 any land use or other regulatory authority to the
19 local coordinating entity;

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

22 (5) diminishes the authority of the State to
23 manage fish and wildlife, including the regulation of
24 fishing 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 person injured on the private
2 property.

3 **SEC. 8. EVALUATION; REPORT.**

4 (a) IN GENERAL.—Not later than 3 years before the
5 date on which authority for Federal funding terminates
6 for the Heritage Area, the Secretary shall—

7 (1) conduct an evaluation of the accomplish-
8 ments of the Heritage Area; and

9 (2) prepare a report in accordance with sub-
10 section (c).

11 (b) EVALUATION.—An evaluation conducted under
12 subsection (a)(1) shall—

13 (1) assess the progress of the local coordinating
14 entity with respect to—

15 (A) accomplishing the purposes of this Act
16 for the Heritage Area; and

17 (B) achieving the goals and objectives of
18 the approved management plan for the Heritage
19 Area;

20 (2) analyze the Federal, State, local, and pri-
21 vate investments in the Heritage Area to determine
22 the leverage and impact of the investments; and

23 (3) review the management structure, partner-
24 ship relationships, and funding of the Heritage Area

1 for purposes of identifying the critical components
2 for sustainability of the Heritage Area.

3 (c) REPORT.—

4 (1) IN GENERAL.—Based on the evaluation con-
5 ducted under subsection (a)(1), the Secretary shall
6 prepare a report that includes recommendations for
7 the future role of the National Park Service, if any,
8 with respect to the Heritage Area.

9 (2) REQUIRED ANALYSIS.—If the report pre-
10 pared under paragraph (1) recommends that Fed-
11 eral funding for the Heritage Area be reauthorized,
12 the report shall include an analysis of—

13 (A) ways in which Federal funding for the
14 Heritage Area may be reduced or eliminated;
15 and

16 (B) the appropriate time period necessary
17 to achieve the recommended reduction or elimi-
18 nation.

19 (3) SUBMISSION TO CONGRESS.—On completion
20 of the report, the Secretary shall submit the report
21 to—

22 (A) the Committee on Energy and Natural
23 Resources of the Senate; and

24 (B) the Committee on Natural Resources
25 of the House of Representatives.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to carry out this Act \$10,000,000, of which not
4 more than \$1,000,000 may be authorized to be appro-
5 priated for any fiscal year.

6 (b) COST-SHARING REQUIREMENT.—The Federal
7 share of the cost of any activity carried out using funds
8 made available under this Act shall be not more than 50
9 percent.

10 **SEC. 10. TERMINATION OF AUTHORITY.**

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 enactment of this Act.

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