

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 413
OFFERED BY MR. POMBO OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.

2 This Act may be cited as the “Bleeding Kansas Na-
3 tional Heritage Area Act”.

4 SEC. 2. FINDINGS AND PURPOSE.

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Bleeding Kansas National Heritage
7 Area is a cohesive assemblage of natural, historic,
8 cultural, and recreational resources that—

9 (A) together represent distinctive aspects
10 of American heritage worthy of recognition,
11 conservation, interpretation, and continuing
12 use;

13 (B) are best managed through partner-
14 ships between private and public entities; and

15 ©) will build upon the Kansas rural devel-
16 opment policy and the new homestead act to
17 recognize inherent strengths of small towns and
18 rural communities—close-knit communities,



1 strong local business networks, and a tradition
2 of entrepreneurial creativity.

3 (2) The Bleeding Kansas National Heritage
4 Area reflects traditions, customs, beliefs, folk life, or
5 some combination thereof, that are a valuable part
6 of the heritage of the United States.

7 (3) The Bleeding Kansas National Heritage
8 Area provides outstanding opportunities to conserve
9 natural, cultural, or historic features, or some com-
10 bination thereof.

11 (4) The Bleeding Kansas National Heritage
12 Area provides outstanding recreational and interpre-
13 tive opportunities.

14 (5) The Bleeding Kansas National Heritage
15 Area has an identifiable theme, and resources impor-
16 tant to the theme retain integrity capable of sup-
17 porting interpretation.

18 (6) Residents, nonprofit organizations, other
19 private entities, and units of local government
20 throughout the Bleeding Kansas National Heritage
21 Area demonstrate support for designation of the
22 Bleeding Kansas National Heritage Area as a na-
23 tional heritage area and for management of the
24 Bleeding Kansas National Heritage Area as appro-
25 priate for such designation.



1 (7) Capturing these interconnected stories
2 through partnerships with National Park Service
3 sites, Kansas State Historical Society sites, local or-
4 ganizations, and citizens will augment the story op-
5 portunities within the prospective boundary for the
6 educational and recreational benefit of this and fu-
7 ture generations of Americans.

8 (8) Communities throughout this region know
9 the value of their Bleeding Kansas legacy, but re-
10 quire expansion of the existing cooperative frame-
11 work to achieve key preservation, education, and
12 other significant goals by working more closely to-
13 gether.

14 (9) The State of Kansas officially recognized
15 the national significance of the Bleeding Kansas
16 story when it designated the heritage area develop-
17 ment as a significant strategic goal within the state-
18 wide economic development plan.

19 (10) Territorial Kansas Heritage Alliance is a
20 nonprofit corporation created for the purposes of
21 preserving, interpreting, developing, promoting and,
22 making available to the public the story and re-
23 sources related to the story of Bleeding Kansas and
24 the Enduring Struggle for Freedom.



1 (11) Territorial Kansas Heritage Alliance has
2 completed a study that—

3 (A) describes in detail the role, operation,
4 financing, and functions of Territorial Kansas
5 Heritage Alliance, the local coordinating entity;
6 and

7 (B) provides adequate assurances that
8 Territorial Kansas Heritage Alliance, the local
9 coordinating entity, is likely to have the finan-
10 cial resources necessary to implement the man-
11 agement plan for the Heritage Area, including
12 resources to meet matching requirement for
13 grants.

14 (12) There are at least 7 National Historic
15 Landmarks, 32 National Register properties, 3 Kan-
16 sas Register properties, and 7 properties listed on
17 the National Underground Railroad Network to
18 Freedom that contribute to the Heritage Area as
19 well as other significant properties that have not
20 been designated at this time.

21 (13) There is an interest in interpreting all
22 sides of the Bleeding Kansas story that requires fur-
23 ther work with several counties in Missouri inter-
24 ested in joining the area.



1 (14) In 2004, the State of Kansas commemo-
2 rated the Sesquicentennial of the signing of the
3 Kansas-Nebraska Act, opening the territory to set-
4 tlement.

5 (b) PURPOSES.—The purposes of this [Act] are as
6 follows:

7 (1) To designate a region in eastern Kansas
8 and western Missouri containing nationally impor-
9 tant natural, historic, and cultural resources and
10 recreational and educational opportunities that are
11 geographically assembled and thematically related as
12 areas that provide unique frameworks for under-
13 standing the great and diverse character of the
14 United States and the development of communities
15 and their surroundings as the Bleeding Kansas Na-
16 tional Heritage Area.

17 (2) To strengthen, complement, and support
18 the Fort Scott, Brown v. Board of Education,
19 Nicodemus and Tallgrass Prairie sites through the
20 interpretation and conservation of the associated liv-
21 ing landscapes outside of the boundaries of these
22 units of the National Park System.

23 (3) To describe the extent of Federal respon-
24 sibilities and duties in regard to the Heritage Area.



1 (4) To further collaboration and partnerships
2 among Federal, State, and local governments, non-
3 profit organizations, and the private sector, or com-
4 binations thereof, to conserve and manage the re-
5 sources and opportunities in the Heritage Area
6 through grants, technical assistance, training and
7 other means.

8 (5) To authorize Federal financial and technical
9 assistance to the local coordinating entity to assist
10 in the conservation and interpretation of the Herit-
11 age Area.

12 (6) To empower communities and organizations
13 in Kansas to preserve the special historic identity of
14 Bleeding Kansas and with it the identity of the Na-
15 tion.

16 (7) To provide for the management, preserva-
17 tion, protection, and interpretation of the natural,
18 historical, and cultural resources within the region
19 for the educational and inspirational benefit of cur-
20 rent and future generations.

21 (8) To provide greater community capacity
22 through inter-local cooperation.

23 (9) To provide a vehicle, particularly in the four
24 counties with high out-migration of population, to



1 recognize that self-reliance and resilience will be the
2 keys to their economic future.

3 (10) To build upon the Kansas rural develop-
4 ment policy, the Kansas agritourism initiative and
5 the new homestead act to recognize inherent
6 strengths of small towns and rural communities—
7 close-knit communities, strong local business net-
8 works, and a tradition of entrepreneurial creativity.

9 (11) To educate and cultivate among its citi-
10 zens, particularly its youth, the stories and cultural
11 resources of the region's legacy that—

12 (A) reflect the popular phrase “Bleeding
13 Kansas” describing the conflict over slavery
14 that became nationally prominent in Kansas
15 just before and during the American Civil War;

16 (B) reflect the commitment of American
17 settlers who first fought and killed to uphold
18 their different and irreconcilable principles of
19 freedom and equality during the years of the
20 Kansas Conflict;

21 ©) reflect the struggle for freedom, experi-
22 enced during the “Bleeding Kansas” era, that
23 continues to be a vital and pressing issue asso-
24 ciated with the real problem of democratic na-
25 tion building; and



1 (D) recreate the physical environment re-
2 vealing its impact on agriculture, transpor-
3 tation, trade and business, and social and cul-
4 tural patterns in urban and rural settings.

5 (12) To interpret the effect of the era's demo-
6 cratic ethos on the development of America's distinc-
7 tive political culture.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) HERITAGE AREA.—The term “Heritage
11 Area” means the Bleeding Kansas and the Enduring
12 Struggle for Freedom National Heritage Area in
13 eastern Kansas and western Missouri.

14 (2) LOCAL COORDINATING ENTITY.—The term
15 “local coordinating entity” means Territorial Kansas
16 Heritage Alliance, recognized by the Secretary, in
17 consultation with the Governors of the States, that
18 agrees to perform the duties of a local coordinating
19 entity under this Act.

20 (3) MANAGEMENT PLAN.—The term “manage-
21 ment plan” means the management plan for the
22 Heritage Area developed under section 4(e).

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

1 (5) STATE.—The term “State” means each of
2 the States of Kansas and Missouri.

3 (6) UNIT OF LOCAL GOVERNMENT.—The term
4 “unit of local government” means the government of
5 a State, a political subdivision of a State, or an In-
6 dian tribe.

7 **SEC. 4. BLEEDING KANSAS AND THE ENDURING STRUGGLE**
8 **FOR FREEDOM NATIONAL HERITAGE AREA.**

9 (a) ESTABLISHMENT.—There is established in the
10 States the Bleeding Kansas and the Enduring Struggle
11 for Freedom National Heritage Area.

12 (b) BOUNDARIES.—The Heritage Area may include
13 the following:

14 (1) An area located in eastern Kansas and
15 western Missouri, consisting of—

16 (A) Allen, Anderson, Atchison, Bourbon,
17 Chantauqua, Cherokee, Clay, Coffey, Crawford,
18 Douglas, Franklin, Geary, Jackson, Johnson,
19 Labette, Leavenworth, Linn, Miami, Neosho,
20 Pottawatomie, Riley, Shawnee, Wabaunsee, Wil-
21 son, Woodson, Wyandotte Counties in Kansas;
22 and

23 (B) Buchanan, Platte, Clay, Ray, Lafay-
24 ette, Jackson, Cass, Johnson, Bates, Vernon,
25 Barton, and Jasper Counties in Missouri.



1 (2) Contributing sites, buildings, and districts
2 within the area that are recommended by the man-
3 agement plan.

4 ©) MAP.—The final boundary of the Heritage Area
5 within the counties identified in subsection (b)(1) shall be
6 specified in the management plan. A map of the Heritage
7 Area shall be included in the management plan. The map
8 shall be on file in the appropriate offices of the National
9 Park Service, Department of the Interior.

10 (d) LOCAL COORDINATING ENTITY.—

11 (1) IN GENERAL.—The local coordinating entity
12 for the Heritage Area shall be Territorial Kansas
13 Heritage Alliance, a nonprofit organization estab-
14 lished in the State of Kansas, recognized by the Sec-
15 retary, in consultation with the Governors of the
16 States, that agrees to perform the duties of the local
17 coordinating entity under this Act.

18 (2) AUTHORITIES.—For purposes of developing
19 and implementing the management plan, the local
20 coordinating entity may—

21 (A) make grants to, and enter into cooper-
22 ative agreements with, the States, political sub-
23 divisions of the States, and private organiza-
24 tions;

25 (B) hire and compensate staff; and

1 ©) enter into contracts for goods and serv-
2 ices.

3 (e) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date on which funds are made available to carry
6 out this Act, the local coordinating entity shall de-
7 velop and submit to the Secretary a management
8 plan reviewed by participating units of local govern-
9 ment within the boundaries of the proposed Heritage
10 Area.

11 (2) CONTENTS.—The management plan shall—

12 (A) present a comprehensive program for
13 the conservation, interpretation, funding, man-
14 agement, and development of the Heritage
15 Area, in a manner consistent with the existing
16 local, State, and Federal land use laws and
17 compatible economic viability of the Heritage
18 Area;

19 (B) establish criteria or standards to meas-
20 ure what is selected for conservation, interpre-
21 tation, funding, management, and development;

22 ©) involve residents, public agencies, and
23 private organizations working in the Heritage
24 Area;



1 (D) specify and coordinate, as of the date
2 of the management plan, existing and potential
3 sources of technical and financial assistance
4 under this and other Federal laws to protect,
5 manage, and develop the Heritage Area; and

6 (E) include—

7 (I) actions to be undertaken by units
8 of government and private organizations to
9 protect, conserve, and interpret the re-
10 sources of the Heritage Area;

11 (ii) an inventory of the resources con-
12 tained in the Heritage Area, including a
13 list of any property in the Heritage Area
14 that is related to the themes of the Herit-
15 age Area and that meets the establishing
16 criteria (such as, but not exclusive to, vis-
17 itor readiness) to merit preservation, res-
18 toration, management, development, or
19 maintenance because of its natural, cul-
20 tural, historical, or recreational signifi-
21 cance;

22 (iii) policies for resource management
23 including the development of intergovern-
24 mental cooperative agreements, private sec-
25 tor agreements, or any combination there-



1 of, to protect the historical, cultural, rec-
2 reational, and natural resources of the
3 Heritage Area in a manner consistent with
4 supporting appropriate and compatible eco-
5 nomic viability;

6 (iv) a program for implementation of
7 the management plan by the designated
8 local coordinating entity, in cooperation
9 with its partners and units of local govern-
10 ment;

11 (v) evidence that relevant State, coun-
12 ty, and local plans applicable to the Herit-
13 age Area have been taken into consider-
14 ation;

15 (vi) an analysis of ways in which local,
16 State, and Federal programs may best be
17 coordinated to promote the purposes of
18 this Act; and

19 (vii) a business plan that—

20 (I) describes in detail the role,
21 operation, financing, and functions of
22 the local coordinating entity for each
23 activity included in the recommenda-
24 tions contained in the management
25 plan; and



1 (II) provides, to the satisfaction
2 of the Secretary, adequate assurances
3 that the local coordinating entity is
4 likely to have the financial resources
5 necessary to implement the manage-
6 ment plan for the Heritage Area, in-
7 cluding resources to meet matching
8 requirement for grants awarded under
9 this Act.

10 (3) CONSIDERATIONS.—In developing and im-
11 plementing the management plan, the local coordi-
12 nating entity shall consider the interests of diverse
13 governmental, business, and nonprofit groups within
14 the Heritage Area.

15 (4) DISQUALIFICATION FROM FUNDING.—If a
16 proposed management plan is not submitted to the
17 Secretary within 3 years after the date on which
18 funds are made available to carry out this Act, the
19 local coordinating entity shall be ineligible to receive
20 additional funding under this Act until the date on
21 which the Secretary receives the proposed manage-
22 ment plan.

23 (5) APPROVAL AND DISAPPROVAL OF MANAGE-
24 MENT PLAN.—The Secretary shall approve or dis-
25 approve the proposed management plan submitted

1 under this Act not later than 90 days after receiving
2 such proposed management plan.

3 (6) ACTION FOLLOWING DISAPPROVAL.—If the
4 Secretary disapproves a proposed management plan,
5 the Secretary shall advise the local coordinating enti-
6 ty in writing of the reasons for the disapproval and
7 shall make recommendations for revisions to the pro-
8 posed management plan. The Secretary shall ap-
9 prove or disapprove a proposed revision within 90
10 days after the date it is submitted.

11 (7) APPROVAL OF AMENDMENTS.—The Sec-
12 retary shall review and approve substantial amend-
13 ments to the management plan. Funds appropriated
14 under this Act may not be expended to implement
15 any changes made by such amendment until the Sec-
16 retary approves the amendment.

17 (8) IMPLEMENTATION.—

18 (A) PRIORITIES.—The local coordinating
19 entity shall give priority to implementing ac-
20 tions described in the management plan,
21 including—

22 (I) assisting units of government and
23 nonprofit organizations in preserving re-
24 sources within the Heritage Area; and



1 (ii) encouraging local governments to
2 adopt land use policies consistent with the
3 management of the Heritage Area and the
4 goals of the management plan.

5 (B) PUBLIC MEETINGS.—The local coordi-
6 nating entity shall conduct public meetings at
7 least quarterly on the implementation of the
8 management plan.

9 (f) PUBLIC NOTICE.—The local coordinating entity
10 shall place a notice of each of its public meetings in a
11 newspaper of general circulation in the Heritage Area and
12 shall make the minutes of the meeting available to the
13 public.

14 (g) ANNUAL REPORT.—For any year in which Fed-
15 eral funds have been made available under this Act, the
16 local coordinating entity shall submit to the Secretary an
17 annual report that describes—

18 (1) the accomplishments of the local coordi-
19 nating entity; and

20 (2) the expenses and income of the local coordi-
21 nating entity.

22 (h) AUDIT.—The local coordinating entity shall—

23 (1) make available to the Secretary for audit all
24 records relating to the expenditure of Federal funds
25 and any matching funds; and

1 (2) require, with respect to all agreements au-
2 thorizing expenditure of Federal funds by other or-
3 ganizations, that the receiving organizations make
4 available to the Secretary for audit all records con-
5 cerning the expenditure of the Federal funds and
6 any matching funds.

7 (I) USE OF FEDERAL FUNDS.—

8 (1) IN GENERAL.—The local coordinating entity
9 shall not use Federal funds made available under
10 this Act to acquire real property or an interest in
11 real property.

12 (2) OTHER SOURCES.—Nothing in this Act pre-
13 cludes the local coordinating entity from using Fed-
14 eral funds made available under other Federal laws
15 for any purpose for which the funds are authorized
16 to be used.

17 **SEC. 5. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**
18 **FEDERAL AGENCIES.**

19 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

20 (1) IN GENERAL.—On the request of the local
21 coordinating entity, the Secretary may provide tech-
22 nical and financial assistance for the development
23 and implementation of the management plan.



1 (2) PRIORITY FOR ASSISTANCE.—In providing
2 assistance under paragraph (1), the Secretary shall
3 give priority to actions that assist in—

4 (A) conserving the significant cultural, his-
5 toric, and natural resources of the Heritage
6 Area; and

7 (B) providing educational, interpretive, and
8 recreational opportunities consistent with the
9 purposes of the Heritage Area.

10 (3) SPENDING FOR NON-FEDERAL PROPERTY.—
11 The local coordinating entity may expend Federal
12 funds made available under this Act on non-Federal
13 property that—

14 (A) meets the criteria in the approved
15 management plan; or

16 (B) is listed or eligible for listing on the
17 National Register of Historic Places.

18 (4) OTHER ASSISTANCE.—The Secretary may
19 enter into cooperative agreements with public and
20 private organizations to carry out this subsection.

21 (b) OTHER FEDERAL AGENCIES.—Any Federal enti-
22 ty conducting or supporting an activity that directly af-
23 fects the Heritage Area shall—

1 (1) consider the potential effect of the activity
2 on the purposes of the Heritage Area and the man-
3 agement plan;

4 (2) consult with the local coordinating entity re-
5 garding the activity; and

6 (3) to the maximum extent practicable, conduct
7 or support the activity to avoid adverse effects on
8 the Heritage Area.

9 ©) OTHER ASSISTANCE NOT AFFECTED.—This Act
10 does not affect the authority of any Federal official to pro-
11 vide technical or financial assistance under any other law.

12 (d) NOTIFICATION OF OTHER FEDERAL ACTIVI-
13 TIES.—The head of each Federal agency shall provide to
14 the Secretary and the local coordinating entity, to the ex-
15 tent practicable, advance notice of all activities that may
16 have an impact on the Heritage Area.

17 **SEC. 6. PRIVATE PROPERTY PROTECTION.**

18 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in
19 this Act shall be construed to require any private property
20 owner to permit public access (including Federal, State,
21 or local government access) to such private property.
22 Nothing in this Act shall be construed to modify any provi-
23 sion of Federal, State, or local law with regard to public
24 access to or use of private lands.

1 (b) LIABILITY.—Designation of the Heritage Area
2 shall not be considered to create any liability, or to have
3 any effect on any liability under any other law, of any pri-
4 vate property owner with respect to any persons injured
5 on such private property.

6 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND
7 USE.—Nothing in this Act shall be construed to modify
8 any authority of Federal, State, or local governments to
9 regulate land use.

10 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS
11 IN HERITAGE AREAS.—Nothing in this Act shall be con-
12 strued to require the owner of any private property located
13 within the boundaries of the Heritage Area to participate
14 in or be associated with the Heritage Area.

15 (e) LAND USE REGULATION.—

16 (1) IN GENERAL.—The local coordinating entity
17 shall provide assistance and encouragement to State
18 and local governments, private organizations, and
19 persons to protect and promote the resources and
20 values of the Heritage Area.

21 (2) EFFECT.—Nothing in this Act—

22 (A) affects the authority of the State or
23 local governments to regulate under law any use
24 of land; or

1 (B) grants any power of zoning or land use
2 to the local coordinating entity.

3 (f) PRIVATE PROPERTY.—

4 (1) IN GENERAL.—The local coordinating entity
5 shall be an advocate for land management practices
6 consistent with the purposes of the Heritage Area.

7 (2) EFFECT.—Nothing in this Act—

8 (A) abridges the rights of any person with
9 regard to private property;

10 (B) affects the authority of the State or
11 local government regarding private property; or

12 ©) imposes any additional burden on any
13 property owner.

14 (g) REQUIREMENTS FOR INCLUSION OF PRIVATE
15 PROPERTY.—

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

24 (2) LANDOWNER WITHDRAWAL.—Any owner of
25 private property included within the boundary of the



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

4 **SEC. 7. SAVINGS PROVISIONS.**

5 (a) RULES, REGULATIONS, STANDARDS, AND PER-
6 MIT PROCESSES.—Nothing in this Act shall be construed
7 to impose any environmental, occupational, safety, or
8 other rule, regulation, standard, or permit process in the
9 Heritage Area that is different from those that would be
10 applicable if the Heritage Area had not been established.

11 (b) WATER AND WATER RIGHTS.—Nothing in this
12 Act shall be construed to authorize or imply the reserva-
13 tion or appropriation of water or water rights.

14 (c) NO DIMINISHMENT OF STATE AUTHORITY.—
15 Nothing in this Act shall be construed to diminish the au-
16 thority of the State to manage fish and wildlife, including
17 the regulation of fishing and hunting within the Heritage
18 Area.

19 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-
21 priated to carry out this Act \$10,000,000, to remain avail-
22 able until expended, of which not more than \$1,000,000
23 may be authorized to be appropriated for any fiscal year.



1 (b) COST-SHARING REQUIREMENT.—The Federal
2 share of the total cost of any activity assisted under this
3 Act shall be not more than 50 percent.

4 **SEC. 9. TERMINATION OF AUTHORITY.**

5 The authority of the Secretary to provide assistance
6 under this Act terminates on the date that is 15 years
7 after the date of enactment of this Act.



