

**SUSPEND THE RULES AND PASS THE BILL, H.R. 413, WITH  
AMENDMENTS**

**(THE AMENDMENTS STRIKE ALL AFTER THE ENACTING  
CLAUSE AND INSERT A NEW TEXT AND A NEW TITLE)**

109TH CONGRESS  
1ST SESSION

# H. R. 413

To establish the Bleeding Kansas and the Enduring Struggle for Freedom  
National Heritage Area, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. RYUN of Kansas (for himself, Mr. TLAHRT, Mr. MORAN of Kansas, and  
Mr. MOORE of Kansas) introduced the following bill; which was referred  
to the Committee on Resources

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## A BILL

To establish the Bleeding Kansas and the Enduring Struggle  
for Freedom 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.**

4 This Act may be cited as the "Freedom's Frontier  
5 National Heritage Area Act".



1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to use preservation, con-  
3 servation, education, interpretation, and recreation in  
4 eastern Kansas and Western Missouri in heritage develop-  
5 ment and sustainability of the American story recognized  
6 by the American people.

7 **SEC. 3. DEFINITIONS.**

8       In this Act:

9           (1) **HERITAGE AREA.**—The term “Heritage  
10 Area” means the Freedom’s Frontier National Her-  
11 itage Area in eastern Kansas and western Missouri.

12           (2) **LOCAL COORDINATING ENTITY.**—The term  
13 “local coordinating entity” means Territorial Kansas  
14 Heritage Alliance, recognized by the Secretary, in  
15 consultation with the Governors of the States, that  
16 agrees to perform the duties of a local coordinating  
17 entity under this Act, so long as that Alliance is  
18 composed of not less than 25 percent residents of  
19 Missouri.

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.

25           (5) **STATE.**—The term “State” means each of  
26 the States of Kansas and Missouri.

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

5 **SEC. 4. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.**

6 (a) ESTABLISHMENT.—There is established in the  
7 States the Freedom's Frontier National Heritage Area.

8 (b) BOUNDARIES.—The Heritage Area may include  
9 the following:

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

12 (A) Allen, Anderson, Atchison, Bourbon,  
13 Chautauqua, Cherokee, Clay, Coffey, Crawford,  
14 Douglas, Franklin, Geary, Jackson, Johnson,  
15 Labette, Leavenworth, Linn, Miami, Neosho,  
16 Pottawatomie, Riley, Shawnee, Wabaunsee, Wil-  
17 son, Woodson, Jefferson, Montgomery, Osage,  
18 and Wyandotte Counties in Kansas; and

19 (B) Buchanan, Platte, Clay, Ray, Lafay-  
20 ette, Jackson, Cass, Johnson, Bates, Vernon,  
21 Barton, and St. Clair Counties in Missouri.

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



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

7 (d) LOCAL COORDINATING ENTITY.—

8 (1) IN GENERAL.—The local coordinating entity  
9 for the Heritage Area shall be Territorial Kansas  
10 Heritage Alliance, a nonprofit organization estab-  
11 lished in the State of Kansas, recognized by the Sec-  
12 retary, in consultation with the Governors of the  
13 States, so long as that Alliance is composed of not  
14 less than 25 percent residents of Missouri and  
15 agrees to perform the duties of the local coordi-  
16 nating entity under this Act.

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

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

24 (B) hire and compensate staff; and

1 (C) enter into contracts for goods and  
2 services.

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 (C) 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. Not less than 25 percent of  
9 the public meetings shall be conducted in Mis-  
10 souri.

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

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

20 (1) the accomplishments of the local coordi-  
21 nating entity; and

22 (2) the expenses and income of the local coordi-  
23 nating entity.

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



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

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

10 (i) USE OF FEDERAL FUNDS.—

11 (1) IN GENERAL.—No Federal funds made  
12 available under this Act may be used to acquire real  
13 property or an interest in real property.

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

19 **SEC. 5. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER**  
20 **FEDERAL AGENCIES.**

21 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

22 (1) IN GENERAL.—On the request of the local  
23 coordinating entity, the Secretary may provide tech-  
24 nical and financial assistance for the development  
25 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 (c) 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 (C) 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 (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.

Amend the title so as to read: “A bill to establish  
the Freedom’s Frontier National Heritage Area Act, and  
for other purposes.”.

