

108TH CONGRESS  
2D SESSION

# S. 2543

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## AN ACT

To establish a program and criteria for National Heritage Areas in the United States, 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 “National Heritage Partnership Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. National Heritage Areas program.
- Sec. 4. Studies.
- Sec. 5. Management plans.
- Sec. 6. Local coordinating entities.
- Sec. 7. Relationship to other Federal agencies.
- Sec. 8. Private property and regulatory protections.
- Sec. 9. Authorization of appropriations.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) LOCAL COORDINATING ENTITY.—The term  
 6 “local coordinating entity” means the entity des-  
 7 ignated by Congress—

8 (A) to develop, in partnership with others,  
 9 the management plan for a National Heritage  
 10 Area; and

11 (B) to act as a catalyst for the implemen-  
 12 tation of projects and programs among diverse  
 13 partners in the National Heritage Area.

14 (2) MANAGEMENT PLAN.—The term “manage-  
 15 ment plan” means the plan prepared by the local co-  
 16 ordinating entity for a National Heritage Area des-  
 17 ignated by Congress that specifies actions, policies,  
 18 strategies, performance goals, and recommendations  
 19 to meet the goals of the National Heritage Area, in  
 20 accordance with section 5.

1           (3) NATIONAL HERITAGE AREA.—The term  
2           “National Heritage Area” means an area designated  
3           by Congress that is nationally significant to the her-  
4           itage of the United States and meets the criteria es-  
5           tablished under section 4(a).

6           (4) NATIONAL IMPORTANCE.—The term “na-  
7           tional importance” means possession of—

8                   (A) unique natural, historical, cultural,  
9                   educational, scenic, or recreational resources of  
10                  exceptional value or quality; and

11                  (B) a high degree of integrity of location,  
12                  setting, or association in illustrating or inter-  
13                  preting the heritage of the United States.

14           (5) PROGRAM.—The term “program” means  
15           the National Heritage Areas program established  
16           under section 3(a).

17           (6) PROPOSED NATIONAL HERITAGE AREA.—  
18           The term “proposed National Heritage Area” means  
19           an area under study by the Secretary or other par-  
20           ties for potential designation by Congress as a Na-  
21           tional Heritage Area.

22           (7) SECRETARY.—The term “Secretary” means  
23           the Secretary of the Interior.

24           (8) STUDY.—The term “study” means a study  
25           conducted by the Secretary, or conducted by 1 or

1 more other interested parties and reviewed by the  
2 Secretary, in accordance with the criteria and proc-  
3 esses established under section 4, to determine  
4 whether an area meets the criteria to be designated  
5 as a National Heritage Area by Congress.

6 **SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall establish a  
8 National Heritage Areas program under which the Sec-  
9 retary shall provide technical and financial assistance to  
10 local coordinating entities to support the establishment of  
11 National Heritage Areas.

12 (b) DUTIES.—Under the program, the Secretary  
13 shall—

14 (1)(A) conduct studies, as directed by Congress,  
15 to assess the suitability and feasibility of designating  
16 proposed National Heritage Areas; or

17 (B) review and comment on studies undertaken  
18 by other parties to make such assessment;

19 (2) provide technical assistance, on a reimburs-  
20 able or non-reimbursable basis (as determined by the  
21 Secretary), for the development and implementation  
22 of management plans for designated National Herit-  
23 age Areas;

24 (3) enter into cooperative agreements with in-  
25 terested parties to carry out this Act;

1           (4) provide information, promote under-  
2 standing, and encourage research on National Herit-  
3 age Areas in partnership with local coordinating en-  
4 tities;

5           (5) provide national oversight, analysis, coordi-  
6 nation, and technical assistance and support to en-  
7 sure consistency and accountability under the pro-  
8 gram; and

9           (6) submit annually to the Committee on Re-  
10 sources of the House of Representatives and the  
11 Committee on Energy and Natural Resources of the  
12 Senate a report describing the allocation and ex-  
13 penditure of funds for activities conducted with re-  
14 spect to National Heritage Areas under this Act.

15 **SEC. 4. STUDIES.**

16       (a) CRITERIA.—In conducting or reviewing a study,  
17 the Secretary shall apply the following criteria to deter-  
18 mine the suitability and feasibility of designating a pro-  
19 posed National Heritage Area:

20           (1) An area—

21               (A) has an assemblage of natural, historic,  
22 cultural, educational, scenic, or recreational re-  
23 sources that together are nationally important  
24 to the heritage of the United States;

1 (B) represents distinctive aspects of the  
2 heritage of the United States worthy of recogni-  
3 tion, conservation, interpretation, and con-  
4 tinuing use;

5 (C) is best managed as such an assemblage  
6 through partnerships among public and private  
7 entities at the local or regional level;

8 (D) reflects traditions, customs, beliefs,  
9 and folklife that are a valuable part of the her-  
10 itage of the United States;

11 (E) provides outstanding opportunities to  
12 conserve natural, historical, cultural, or scenic  
13 features;

14 (F) provides outstanding recreational or  
15 educational opportunities; and

16 (G) has resources and traditional uses that  
17 have national importance.

18 (2) Residents, business interests, nonprofit or-  
19 ganizations, and governments (including relevant  
20 Federal land management agencies) within the pro-  
21 posed area are involved in the planning and have  
22 demonstrated significant support through letters and  
23 other means for National Heritage Area designation  
24 and management.

1           (3) The local coordinating entity responsible for  
2           preparing and implementing the management plan is  
3           identified.

4           (4) The proposed local coordinating entity and  
5           units of government supporting the designation are  
6           willing and have documented a significant commit-  
7           ment to work in partnership to protect, enhance, in-  
8           terpret, fund, manage, and develop resources within  
9           the National Heritage Area.

10          (5) The proposed local coordinating entity has  
11          developed a conceptual financial plan that outlines  
12          the roles of all participants (including the Federal  
13          Government) in the management of the National  
14          Heritage Area.

15          (6) The proposal is consistent with continued  
16          economic activity within the area.

17          (7) A conceptual boundary map has been devel-  
18          oped and is supported by the public and partici-  
19          pating Federal agencies.

20          (b) CONSULTATION.—In conducting or reviewing a  
21          study, the Secretary shall consult with the managers of  
22          any Federal land within the proposed National Heritage  
23          Area and secure the concurrence of the managers with the  
24          findings of the study before making a determination for  
25          designation.

1 (c) TRANSMITTAL.—On completion or receipt of a  
2 study for a National Heritage Area, the Secretary shall—

3 (1) review, comment, and make findings (in ac-  
4 cordance with the criteria specified in subsection (a))  
5 on the feasibility of designating the National Herit-  
6 age Area;

7 (2) consult with the Governor of each State in  
8 which the proposed National Heritage Area is lo-  
9 cated; and

10 (3) transmit to the Committee on Resources of  
11 the House of Representatives and the Committee on  
12 Energy and Natural Resources of the Senate, the  
13 study, including—

14 (A) any comments received from the Gov-  
15 ernor of each State in which the proposed Na-  
16 tional Heritage Area is located; and

17 (B) a finding as to whether the proposed  
18 National Heritage Area meets the criteria for  
19 designation.

20 (d) DISAPPROVAL.—If the Secretary determines that  
21 any proposed National Heritage Area does not meet the  
22 criteria for designation, the Secretary shall include within  
23 the study submitted under subsection (c)(3) a description  
24 of the reasons for the determination.



1 (e) DESIGNATION.—The designation of a National  
2 Heritage Area shall be—

3 (1) by Act of Congress; and

4 (2) contingent on the prior completion of a  
5 study and an affirmative determination by the Sec-  
6 retary that the area meets the criteria established  
7 under subsection (a).

8 **SEC. 5. MANAGEMENT PLANS.**

9 (a) REQUIREMENTS.—The management plan for any  
10 National Heritage Area shall—

11 (1) describe comprehensive policies, goals, strat-  
12 egies, and recommendations for telling the story of  
13 the heritage of the area covered by the National  
14 Heritage Area and encouraging long-term resource  
15 protection, enhancement, interpretation, funding,  
16 management, and development of the National Her-  
17 itage Area;

18 (2) include a description of actions and commit-  
19 ments that governments, private organizations, and  
20 citizens will take to protect, enhance, interpret, fund,  
21 manage, and develop the natural, historical, cultural,  
22 educational, scenic, and recreational resources of the  
23 National Heritage Area;

24 (3) specify existing and potential sources of  
25 funding or economic development strategies to pro-

1 tect, enhance, interpret, fund, manage, and develop  
2 the National Heritage Area;

3 (4) include an inventory of the natural, histor-  
4 ical, cultural, educational, scenic, and recreational  
5 resources of the National Heritage Area related to  
6 the national importance and themes of the National  
7 Heritage Area that should be protected, enhanced,  
8 interpreted, managed, funded, and developed;

9 (5) recommend policies and strategies for re-  
10 source management, including the development of  
11 intergovernmental and interagency agreements to  
12 protect, enhance, interpret, fund, manage, and de-  
13 velop the natural, historical, cultural, educational,  
14 scenic, and recreational resources of the National  
15 Heritage Area;

16 (6) describe a program for implementation for  
17 the management plan, including—

18 (A) performance goals;

19 (B) plans for resource protection, enhance-  
20 ment, interpretation, funding, management, and  
21 development; and

22 (C) specific commitments for implementa-  
23 tion that have been made by the local coordi-  
24 nating entity or any government agency, organi-  
25 zation, business, or individual;

1           (7) include an analysis of, and recommenda-  
2           tions for, means by which Federal, State, and local  
3           programs may best be coordinated (including the  
4           role of the National Park Service and other Federal  
5           agencies associated with the National Heritage  
6           Area) to further the purposes of this Act; and

7           (8) include a business plan that—

8                   (A) describes the role, operation, financing,  
9                   and functions of the local coordinating entity  
10                  and of each of the major activities contained in  
11                  the management plan; and

12                  (B) provides adequate assurances that the  
13                  local coordinating entity has the partnerships  
14                  and financial and other resources necessary to  
15                  implement the management plan for the Na-  
16                  tional Heritage Area.

17       (b) DEADLINE.—

18           (1) IN GENERAL.—Not later than 3 years after  
19           the date on which funds are first made available to  
20           develop the management plan after designation as a  
21           National Heritage Area, the local coordinating entity  
22           shall submit the management plan to the Secretary  
23           for approval.

24           (2) TERMINATION OF FUNDING.—If the man-  
25           agement plan is not submitted to the Secretary in

1 accordance with paragraph (1), the local coordi-  
2 nating entity shall not qualify for any additional fi-  
3 nancial assistance under this Act until such time as  
4 the management plan is submitted to and approved  
5 by the Secretary.

6 (c) APPROVAL OF MANAGEMENT PLAN.—

7 (1) REVIEW.—Not later than 180 days after re-  
8 ceiving the plan, the Secretary shall review and ap-  
9 prove or disapprove the management plan for a Na-  
10 tional Heritage Area on the basis of the criteria es-  
11 tablished under paragraph (3).

12 (2) CONSULTATION.—The Secretary shall con-  
13 sult with the Governor of each State in which the  
14 National Heritage Area is located before approving  
15 a management plan for the National Heritage Area.

16 (3) CRITERIA FOR APPROVAL.—In determining  
17 whether to approve a management plan for a Na-  
18 tional Heritage Area, the Secretary shall consider  
19 whether—

20 (A) the local coordinating entity represents  
21 the diverse interests of the National Heritage  
22 Area, including governments, natural and his-  
23 toric resource protection organizations, edu-  
24 cational institutions, businesses, recreational or-

1 organizations, community residents, and private  
2 property owners;

3 (B) the local coordinating entity—

4 (i) has afforded adequate opportunity  
5 for public and governmental involvement  
6 (including through workshops and hear-  
7 ings) in the preparation of the manage-  
8 ment plan; and

9 (ii) provides for at least semiannual  
10 public meetings to ensure adequate imple-  
11 mentation of the management plan;

12 (C) the resource protection, enhancement,  
13 interpretation, funding, management, and de-  
14 velopment strategies described in the manage-  
15 ment plan, if implemented, would adequately  
16 protect, enhance, interpret, fund, manage, and  
17 develop the natural, historic, cultural, edu-  
18 cational, scenic, and recreational resources of  
19 the National Heritage Area;

20 (D) the management plan would not ad-  
21 versely affect any activities authorized on Fed-  
22 eral land under public land laws or land use  
23 plans;

1 (E) the local coordinating entity has dem-  
2 onstrated the financial capability, in partner-  
3 ship with others, to carry out the plan;

4 (F) the Secretary has received adequate  
5 assurances from the appropriate State and local  
6 officials whose support is needed to ensure the  
7 effective implementation of the State and local  
8 elements of the management plan; and

9 (G) the management plan demonstrates  
10 partnerships among the local coordinating enti-  
11 ty, Federal, State, and local governments, re-  
12 gional planning organizations, nonprofit organi-  
13 zations, or private sector parties for implemen-  
14 tation of the management plan.

15 (4) DISAPPROVAL.—

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

18 (i) shall advise the local coordinating  
19 entity in writing of the reasons for the dis-  
20 approval; and

21 (ii) may make recommendations to the  
22 local coordinating entity for revisions to  
23 the management plan.

24 (B) DEADLINE.—Not later than 180 days  
25 after receiving a revised management plan, the

1 Secretary shall approve or disapprove the re-  
2 vised management plan.

3 (5) AMENDMENTS.—

4 (A) IN GENERAL.—An amendment to the  
5 management plan that substantially alters the  
6 purposes of the National Heritage Area shall be  
7 reviewed by the Secretary and approved or dis-  
8 approved in the same manner as the original  
9 management plan.

10 (B) IMPLEMENTATION.—The local coordi-  
11 nating entity shall not use Federal funds au-  
12 thorized by this Act to implement an amend-  
13 ment to the management plan until the Sec-  
14 retary approves the amendment.

15 **SEC. 6. LOCAL COORDINATING ENTITIES.**

16 (a) DUTIES.—To further the purposes of the Na-  
17 tional Heritage Area, the local coordinating entity shall—

18 (1) prepare a management plan for the Na-  
19 tional Heritage Area, and submit the management  
20 plan to the Secretary, in accordance with section 5;

21 (2) submit an annual report to the Secretary  
22 for each fiscal year for which the local coordinating  
23 committee receives Federal funds under this Act,  
24 specifying—

1 (A) the specific performance goals and ac-  
2 complishments of the local coordinating com-  
3 mittee;

4 (B) the expenses and income of the local  
5 coordinating committee;

6 (C) the amounts and sources of matching  
7 funds;

8 (D) the amounts leveraged with Federal  
9 funds and sources of the leveraging; and

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

12 (3) make available for audit for each fiscal year  
13 for which the local coordinating entity receives Fed-  
14 eral funds under this Act, all information pertaining  
15 to the expenditure of the funds and any matching  
16 funds; and

17 (4) encourage economic viability and sustain-  
18 ability that is consistent with the purposes of the  
19 National Heritage Area.

20 (b) AUTHORITIES.—For the purposes of preparing  
21 and implementing the approved management plan for the  
22 National Heritage Area, the local coordinating entity may  
23 use Federal funds made available under this Act to—



1           (1) make grants to political jurisdictions, non-  
2           profit organizations, and other parties within the  
3           National Heritage Area;

4           (2) enter into cooperative agreements with or  
5           provide technical assistance to political jurisdictions,  
6           nonprofit organizations, Federal agencies, and other  
7           interested parties;

8           (3) hire and compensate staff, including individ-  
9           uals with expertise in—

10                   (A) natural, historical, cultural, edu-  
11                   cational, scenic, and recreational resource con-  
12                   servation;

13                   (B) economic and community development;  
14                   and

15                   (C) heritage planning;

16           (4) obtain funds or services from any source,  
17           including other Federal laws or programs;

18           (5) contract for goods or services; and

19           (6) support activities of partners and any other  
20           activities that further the purposes of the National  
21           Heritage Area and are consistent with the approved  
22           management plan.

23           (c) PROHIBITION ON ACQUISITION OF REAL PROP-  
24           PERTY.—The local coordinating entity may not use Federal

1 funds authorized under this Act to acquire any interest  
2 in real property.

3 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

7 (b) CONSULTATION AND COORDINATION.—The head  
8 of any Federal agency planning to conduct activities that  
9 may have an impact on a National Heritage Area is en-  
10 couraged to consult and coordinate the activities with the  
11 Secretary and the local coordinating entity to the max-  
12 imum extent practicable.

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

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

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

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

1 **SEC. 8. 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 National Her-  
8 itage 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 any  
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 National Heritage  
25 Area; or

1           (6) creates any liability, or affects any liability  
2           under any other law, of any private property owner  
3           with respect to any person injured on the private  
4           property.

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) STUDIES.—There is authorized to be appro-  
7           priated to conduct and review studies under section 4  
8           \$750,000 for each fiscal year, of which not more than  
9           \$250,000 for any fiscal year may be used for any indi-  
10          vidual study for a proposed National Heritage Area.

11          (b) LOCAL COORDINATING ENTITIES.—

12           (1) IN GENERAL.—There is authorized to be  
13           appropriated to carry out section 6 \$15,000,000 for  
14           each fiscal year, of which not more than—

15                   (A) \$1,000,000 may be made available for  
16                   any fiscal year for any individual National Her-  
17                   itage Area, to remain available until expended;  
18                   and

19                   (B) a total of \$10,000,000 may be made  
20                   available for all such fiscal years for any indi-  
21                   vidual National Heritage Area.

22          (2) TERMINATION DATE.—

23           (A) IN GENERAL.—The authority of the  
24           Secretary to provide financial assistance to an  
25           individual local coordinating entity under this

1 Act (excluding technical assistance and admin-  
2 istrative oversight) shall terminate on the date  
3 that is 15 years after the date of the initial re-  
4 ceipt of the assistance by the local coordinating  
5 committee.

6 (B) DESIGNATION.—A National Heritage  
7 Area shall retain the designation as a National  
8 Heritage Area after the termination date pre-  
9 scribed in subparagraph (A).

10 (3) ADMINISTRATION.—Not more than 5 per-  
11 cent of the amount of funds made available under  
12 paragraph (1) for a fiscal year may be used by the  
13 Secretary for technical assistance, oversight, and ad-  
14 ministrative purposes.

15 (c) MATCHING FUNDS.—

16 (1) IN GENERAL.—As a condition of receiving a  
17 grant under this Act, the recipient of the grant shall  
18 provide matching funds in an amount that is equal  
19 to the amount of the grant.

20 (2) ADMINISTRATION.—The recipient matching  
21 funds—

22 (A) shall be derived from non-Federal  
23 sources; and

- 1 (B) may be made in the form of in-kind
- 2 contributions of goods or services fairly valued.

Passed the Senate September 15, 2004.

Attest:

*Secretary.*

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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