

116TH CONGRESS
2D SESSION

H. R. 1049

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2020

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To authorize a National Heritage Area Program, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Heritage Area Act of 2020”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. National Heritage Area System.
- Sec. 4. National Heritage Area System management.
- Sec. 5. Study areas.
- Sec. 6. Local coordinating entities.
- Sec. 7. Property owners and regulatory protections.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Statutory Clarification.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) FEASIBILITY STUDY.—The term “feasibility
9 study” means a study conducted by the Secretary,
10 or conducted by one or more other interested parties
11 and reviewed and approved by the Secretary, in ac-
12 cordance with the criteria and processes required by
13 section 5, to determine whether a study area meets
14 the criteria to be designated by Federal statute as
15 a National Heritage Area.

16 (2) INDIAN TRIBE.—The term “Indian Tribe”
17 means any Indian or Alaska Native tribe, band, na-
18 tion, pueblo, village, or other community the name
19 of which is included on the list most recently pub-
20 lished by the Secretary of the Interior pursuant to

1 section 104 of the Federally Recognized Indian
2 Tribe List Act of 1994 (25 U.S.C. 5131).

3 (3) LOCAL COORDINATING ENTITY.—The term
4 “local coordinating entity” means the entity des-
5 ignated by Federal statute to—

6 (A) carry out, in partnership with other in-
7 dividuals and entities, the management plan for
8 a National Heritage Area; and

9 (B) operate a National Heritage Area, in-
10 cluding through the implementation of projects
11 and programs among diverse partners in a Na-
12 tional Heritage Area.

13 (4) MANAGEMENT PLAN.—The term “manage-
14 ment plan” means the management plan for a Na-
15 tional Heritage Area required under this Act.

16 (5) NATIONAL HERITAGE AREA.—The term
17 “National Heritage Area” means—

18 (A) each National Heritage Area, National
19 Heritage Corridor, Natural Preservation Com-
20 mission, National Heritage Canalway, National
21 Heritage Route, Heritage Corridor, Cultural
22 Heritage Corridor, Heritage Partnership, and
23 National Heritage Partnership, the Shenandoah
24 Valley Battlefields National Historic District,
25 or other area designated by Federal statute

1 with the explicit purpose of establishing a na-
2 tional heritage area designated by Congress be-
3 fore or on the date of enactment of this Act;
4 and

5 (B) each National Heritage Area des-
6 ignated by Federal statute after the date of en-
7 actment of this Act, unless the law designating
8 the area exempts that area from the National
9 Heritage Area System by specific reference to
10 this Act.

11 (6) NATIONAL HERITAGE AREA SYSTEM.—The
12 term “National Heritage Area System” means the
13 system of National Heritage Areas established by
14 this Act.

15 (7) SECRETARY.—The term “Secretary” means
16 the Secretary of the Interior.

17 (8) STUDY AREA.—The term “study area”
18 means a specific geographic area that is the subject
19 of a feasibility study under section 5.

20 (9) TRIBAL GOVERNMENT.—The term “Tribal
21 government” means the governing body of an Indian
22 Tribe.

23 **SEC. 3. NATIONAL HERITAGE AREA SYSTEM.**

24 (a) IN GENERAL.—In order to recognize certain
25 areas of the United States that tell nationally significant

1 stories and to conserve, enhance, and interpret the areas'
2 natural, historic, scenic, and cultural resources that to-
3 gether illustrate significant aspects of our country's herit-
4 age, there is established a National Heritage Area System
5 through which the Secretary may provide technical and
6 financial assistance to local coordinating entities to sup-
7 port the establishment, development, and continuity of
8 National Heritage Areas.

9 (b) NATIONAL HERITAGE AREA SYSTEM.—The Na-
10 tional Heritage Area System shall be composed of all Na-
11 tional Heritage Areas.

12 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
13 TEM.—

14 (1) RELATIONSHIP TO NATIONAL PARK
15 UNITS.—The Secretary shall encourage participation
16 and assistance by any unit of the National Park
17 System located near or encompassed by any Na-
18 tional Heritage Area in local initiatives for that Na-
19 tional Heritage Area that conserve and interpret re-
20 sources consistent with an approved management
21 plan for the National Heritage Area.

22 (2) APPLICABILITY OF LAWS.—National Herit-
23 age Areas shall not be—

24 (A) considered to be units of the National
25 Park System; or

1 (B) subject to the authorities applicable to
2 units of the National Park System.

3 **SEC. 4. NATIONAL HERITAGE AREA SYSTEM MANAGEMENT.**

4 (a) MANAGEMENT PLAN.—

5 (1) IN GENERAL.—Not later than 3 years after
6 a National Heritage Area is included in the National
7 Heritage Area System outlined by this Act, the local
8 coordinating entity of the National Heritage Area
9 shall submit to the Secretary for approval a manage-
10 ment plan for the National Heritage Area.

11 (2) REQUIREMENTS.—The management plan
12 shall—

13 (A) incorporate an integrated and coopera-
14 tive approach for the protection, enhancement,
15 and interpretation of the natural, cultural, his-
16 toric, scenic, and recreational resources of the
17 National Heritage Area;

18 (B) be developed using a comprehensive
19 planning approach that includes—

20 (i) opportunities for stakeholders, in-
21 cluding community members, local and re-
22 gional governments, Tribal governments,
23 businesses, nonprofit organizations, and
24 other interested parties—

1 (I) to be involved in the planning
2 process; and

3 (II) to review and comment on
4 draft management plans; and

5 (ii) documentation of the planning
6 and public participation processes, includ-
7 ing a description of—

8 (I) the means by which the man-
9 agement plan was prepared;

10 (II) the stakeholders involved in
11 the process; and

12 (III) the timing and method of
13 stakeholder involvement;

14 (C) include—

15 (i) an inventory of—

16 (I) the resources located in the
17 National Heritage Area; and

18 (II) any other property in the
19 National Heritage Area that—

20 (aa) is related to the themes
21 of the National Heritage Area;
22 and

23 (bb) should be preserved, re-
24 stored, managed, or maintained

1 because of the significance of the
2 property;

3 (ii) comprehensive policies, strategies
4 and recommendations for the conservation,
5 funding, management, and development of
6 the National Heritage Area;

7 (iii) a description of actions that the
8 Federal, Tribal, State, and local govern-
9 ments, private organizations, and individ-
10 uals have agreed to take to protect the
11 natural, historical, cultural, scenic, and
12 recreational resources of the National Her-
13 itage Area;

14 (iv) a program of implementation for
15 the management plan by the local coordi-
16 nating entity that includes a description
17 of—

18 (I) actions to facilitate ongoing
19 collaboration among partners to pro-
20 mote plans for resource protection,
21 restoration, and construction; and

22 (II) specific commitments for im-
23 plementation that have been made by
24 the local coordinating entity or any
25 government, organization, or indi-

1 vidual for the first 5 years of oper-
2 ation;

3 (v) the identification of sources of
4 funding for carrying out the management
5 plan;

6 (vi) analysis and recommendations for
7 means by which Federal, Tribal, State,
8 and local programs, including the role of
9 the National Park Service in the National
10 Heritage Area, may best be coordinated to
11 carry out this subsection; and

12 (vii) an interpretive plan for the Na-
13 tional Heritage Area; and

14 (D) recommend policies and strategies for
15 resource management that consider and detail
16 the application of appropriate land and water
17 management techniques, including the develop-
18 ment of intergovernmental and interagency co-
19 operative agreements to protect the natural,
20 historical, cultural, educational, scenic, and rec-
21 reational resources of the National Heritage
22 Area.

23 (3) EXCEPTIONS.—The requirements in para-
24 graph (2) shall not apply to management plans in
25 effect on the date of the enactment of this Act.

1 (b) EVALUATIONS.—

2 (1) IN GENERAL.—Not later than 1 year before
3 the authorization for Federal funding expires for a
4 National Heritage Area, the Secretary shall—

5 (A) conduct an evaluation of the accom-
6 plishments of that National Heritage Area; and

7 (B) prepare and submit a report detailing
8 the evaluation required by subparagraph (A)
9 to—

10 (i) the Committee on Natural Re-
11 sources of the House of Representatives;
12 and

13 (ii) the Committee on Energy and
14 Natural Resources of the Senate.

15 (2) EVALUATION COMPONENTS.—An evaluation
16 prepared under paragraph (1) shall—

17 (A) assess the progress of the local coordi-
18 nating entity with respect to—

19 (i) accomplishing the purposes of the
20 authorizing legislation for the National
21 Heritage Area; and

22 (ii) achieving the goals and objectives
23 of the approved management plan for the
24 National Heritage Area;

1 (B) analyze the Federal, Tribal, State,
2 local, and private investments in the National
3 Heritage Area to assess the impact of the in-
4 vestments; and

5 (C) review the management structure,
6 partnership relationships, and funding of the
7 National Heritage Area.

8 (3) RESULTS OF EVALUATION.—Based upon
9 the evaluation under paragraph (1), the Secretary
10 shall prepare a report with recommendations for the
11 National Park Service’s continued role, if any, with
12 respect to the National Heritage Area. If the report
13 recommends that Federal funding for the National
14 Heritage Area be—

15 (A) continued, the report shall include an
16 analysis of—

17 (i) ways in which Federal funding for
18 the National Heritage Area may be re-
19 duced or eliminated over time;

20 (ii) the appropriate time period nec-
21 essary to achieve the recommended reduc-
22 tion or elimination; and

23 (iii) justification for the continued
24 funding in light of other National Park

1 Service core responsibilities and priorities;
2 or

3 (B) eliminated, the report shall include a
4 description of potential impacts on conserva-
5 tion, interpretation, and sustainability of the
6 National Heritage Area.

7 (4) UPDATES; ADDITIONAL EVALUATIONS.—

8 (A) UPDATES.—The Secretary may satisfy
9 the requirement under paragraph (1) for a Na-
10 tional Heritage Area by updating an evaluation
11 that was completed for that National Heritage
12 Area not more than 5 years before another
13 evaluation would otherwise be required under
14 paragraph (1).

15 (B) ADDITIONAL EVALUATIONS.—The Sec-
16 retary may conduct additional evaluations as
17 the Secretary deems appropriate.

18 (c) COORDINATION.—The head of any Federal agen-
19 cy planning to conduct activities that may have an impact
20 on a designated National Heritage Area is encouraged to
21 consult and coordinate these activities with the Secretary
22 and the local coordinating entity to the maximum extent
23 practicable.

24 **SEC. 5. STUDY AREAS.**

25 (a) FEASIBILITY STUDIES.—

1 (1) IN GENERAL.—The Secretary may carry out
2 or certify a study to assess the suitability and feasi-
3 bility of designating a specific geographic area as a
4 National Heritage Area to be included in the Na-
5 tional Heritage Area System.

6 (2) PREPARATION.—The feasibility study shall
7 be carried out—

8 (A) by the Secretary in consultation with
9 Tribal, State, and local historic preservation of-
10 ficers, State and local historical societies, State
11 and local tourism offices, and other appropriate
12 organizations and governmental agencies; or

13 (B) by interested individuals or entities, if
14 the Secretary certifies that the completed study
15 meets the requirements of paragraph (4).

16 (3) CERTIFICATION.—Not later than 1 year
17 after receiving a study carried out by interested indi-
18 viduals or entities under paragraph (2)(B) the Sec-
19 retary shall review and certify whether the study
20 meets the requirements of paragraph (4).

21 (4) REQUIREMENTS.—A study under paragraph
22 (1) shall include analysis, documentation, and deter-
23 mination on whether the study area—

24 (A) has an assemblage of natural, historic,
25 and cultural resources that—

1 (i) represent distinct aspects of the
2 heritage of the United States;

3 (ii) are worthy of recognition, con-
4 servation, interpretation, and continuing
5 use; and

6 (iii) would be best managed—

7 (I) through partnerships among
8 public and private entities; and

9 (II) by linking diverse and some-
10 times noncontiguous resources;

11 (B) reflects traditions, customs, beliefs,
12 and folklife that are a valuable part of the story
13 of the United States;

14 (C) provides outstanding opportunities—

15 (i) to conserve natural, historic, cul-
16 tural, or scenic features; and

17 (ii) for recreation and education;

18 (D) contains resources that—

19 (i) are important to any identified
20 themes of the study area; and

21 (ii) retain a degree of integrity capa-
22 ble of supporting interpretation;

23 (E) includes Tribal governments, residents,
24 business interests, nonprofit organizations, and
25 State and local governments that—

1 (i) are involved in the planning of the
2 study area;

3 (ii) have developed a conceptual finan-
4 cial plan that outlines the roles of all par-
5 ticipants in the study area, including the
6 Federal Government; and

7 (iii) have demonstrated support for
8 the designation of the study area;

9 (F) has a potential local coordinating enti-
10 ty to work in partnership with the individuals
11 and entities described in paragraph (1) to de-
12 velop the study area while encouraging State
13 and local economic activity; and

14 (G) has a conceptual boundary map that is
15 supported by the public.

16 (b) REPORT.—

17 (1) IN GENERAL.—For each study carried out
18 under subsection (a), the Secretary shall submit to
19 the Committee on Natural Resources of the House
20 of Representatives and the Committee on Energy
21 and Natural Resources of the Senate a report that
22 describes—

23 (A) the findings of the study described in
24 subsection (a) for that study area; and

1 (B) any conclusions and recommendations
2 of the Secretary.

3 (2) TIMING.—

4 (A) With respect to a study carried out by
5 the Secretary in accordance with paragraph
6 (2)(A)(i), the Secretary shall submit a report
7 under subparagraph (A) not later than 3 years
8 after the date on which funds are first made
9 available to carry out the study.

10 (B) With respect to a study carried out by
11 interested individuals or entities in accordance
12 with paragraph (2)(A)(ii), the Secretary shall
13 submit a report under subparagraph (A) not
14 later than 180 days after the date on which the
15 Secretary certifies under paragraph (2)(B) that
16 the study meets the requirements of paragraph
17 (3).

18 **SEC. 6. LOCAL COORDINATING ENTITIES.**

19 (a) DUTIES.—For any year that Federal funds have
20 been made available under this Act for a National Herit-
21 age Area, the local coordinating entity for that National
22 Heritage Area shall—

23 (1) submit to the Secretary an annual report
24 that describes the activities, expenses, and income of
25 the local coordinating entity (including grants to any

1 other entities during the year that the report is
2 made);

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

6 (3) require, with respect to all agreements au-
7 thorizing expenditure of Federal funds by other or-
8 ganizations, that the organizations receiving the
9 funds make available to the Secretary for audit all
10 records concerning the expenditure of the funds.

11 (b) AUTHORITIES.—The local coordinating entity
12 may, subject to the prior approval of the Secretary, for
13 the purposes of preparing and implementing the approved
14 management plan for the National Heritage Area, use
15 Federal funds made available through this Act to—

16 (1) make grants to Indian Tribes, a State, a
17 local government, nonprofit organizations, and other
18 parties within the National Heritage Area;

19 (2) enter into cooperative agreements with or
20 provide technical assistance to the Indian Tribes,
21 State, a local government, nonprofit organizations,
22 Federal agencies, and other interested parties;

23 (3) hire and compensate staff, which may in-
24 clude individuals with expertise in natural, cultural,

1 and historic resources conservation; economic and
 2 community development; and heritage planning;

3 (4) obtain money or services, including those
 4 provided under other Federal laws or programs;

5 (5) contract for goods or services; and

6 (6) support activities of partners and any other
 7 activities that further the purposes of the National
 8 Heritage Area and are consistent with the approved
 9 management plan.

10 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
 11 PROPERTY.—The local coordinating entity may not use
 12 Federal funds received under this Act to acquire real prop-
 13 erty or any interest in real property.

14 (d) HERITAGE AREA COMMISSIONS.—

15 (1) Section 804(j) of division B of H.R. 5666
 16 (Appendix D) as enacted into law by section 1(a)(4)
 17 of Public Law 106–554 (54 U.S.C. 320101 note;
 18 114 Stat. 2763, 2763A– 295; 123 Stat. 1294; 128
 19 Stat. 3802) is amended by striking “shall termi-
 20 nate” and all that follows through the period and in-
 21 serting “shall terminate on September 30, 2034.”.

22 (2) Section 295D(d) of Public Law 109–338
 23 (120 Stat. 1833; 130 Stat. 962) is amended by
 24 striking “shall terminate” and all that follows

1 through the period and inserting “shall terminate on
2 September 30, 2034.”.

3 **SEC. 7. PROPERTY OWNERS AND REGULATORY PROTEC-**
4 **TIONS.**

5 Nothing in this Act shall be construed to—

6 (1) abridge the rights of any property owner,
7 whether public or private, including the right to re-
8 frain from participating in any plan, project, pro-
9 gram, or activity conducted within the National Her-
10 itage Area;

11 (2) require any property owner to permit public
12 access (including Federal, Tribal, State, or local gov-
13 ernment access) to such property or to modify any
14 provisions of Federal, Tribal, State, or local law with
15 regard to public access or use of private lands;

16 (3) alter any duly adopted land use regulation
17 or any approved land use plan or any other regu-
18 latory authority of any Federal, Tribal, or State, or
19 local government, or to convey any land use or other
20 regulatory authority to any local coordinating entity;

21 (4) authorize or imply the reservation or appro-
22 priation of water or water rights;

23 (5) diminish the authority of the State to man-
24 age fish and wildlife including the regulation of fish-
25 ing and hunting within the National Heritage Area;

1 (6) create any liability, or have any effect on
2 any liability under any other law, of any private
3 property owner with respect to any persons injured
4 on such private property;

5 (7) affect the authority of any Federal official
6 to provide technical or financial assistance under
7 any other law;

8 (8) modify any law or regulation authorizing
9 Federal officials to manage Federal land under their
10 control or limit the discretion of Federal land man-
11 agers to implement approved land use plans within
12 the boundaries of a National Heritage Area, nor
13 shall this Act be construed to modify, alter, or
14 amend any authorized uses of these Federal lands;
15 or

16 (9) enlarge or diminish the treaty rights of any
17 Indian Tribe within the National Heritage Area.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, for each of fiscal years 2020 through 2034,
21 there is authorized to be appropriated not more than
22 \$750,000 for each National Heritage Area.

23 (b) AVAILABILITY.—Amounts made available under
24 subsection (a) shall remain available until expended.

25 (c) COST-SHARING REQUIREMENT.—

1 (1) FEDERAL SHARE.—Notwithstanding any
2 other provision of law, including any law designating
3 a National Heritage Area, the Federal share of the
4 total cost of any activity funded with appropriations
5 authorized by subsection (a) shall not be more than
6 50 percent.

7 (2) FORM OF NON-FEDERAL SHARE.—The non-
8 Federal share of the total cost of any activity funded
9 with appropriations authorized by subsection (a)
10 may be in the form of in-kind contributions of goods
11 or services fairly valued.

12 (3) EXCEPTION.—Notwithstanding section 9(b),
13 for each National Heritage Area established before
14 the date of the enactment of this Act without a non-
15 Federal cost share requirement or with a non-Fed-
16 eral cost share requirement of less than 50 per-
17 cent—

18 (A) the non-Federal cost share require-
19 ment, or lack thereof, shall remain at the pre-
20 viously enacted level for 2 full fiscal years after
21 the date of the enactment of this Act; and

22 (B) after the period referred to in subpara-
23 graph (A), the non-Federal cost share require-
24 ment shall increase by 10 percent annually until

1 the non-Federal share is consistent with para-
2 graph (1).

3 (c) **AUTHORITY TO PROVIDE ASSISTANCE.**—Notwith-
4 standing any other provision of law, the Secretary may
5 provide assistance to a National Heritage Area during any
6 fiscal year for which appropriations are authorized under
7 subsection (a).

8 **SEC. 9. STATUTORY CLARIFICATION.**

9 (a) **AUTHORIZATION LIMITATIONS.**—Any provision of
10 law enacted before the date of the enactment of this Act
11 that provides for a termination, expiration, or other time
12 limitation on the authorization for a National Heritage
13 Area is hereby superceded and shall have no effect.

14 (b) **FUNDING LIMITATIONS.**—Any provision of law
15 enacted before the date of the enactment of this Act that
16 provides for a termination, expiration, or other limitation
17 on the time or amount of an authorization of appropria-
18 tions for a National Heritage Area is hereby superceded
19 and shall have no effect.

20 (c) **EVALUATIONS.**—Any provision of law enacted be-
21 fore the date of the enactment of this Act that requires
22 the Secretary to conduct an evaluation of or submit a re-
23 port on the accomplishments of a National Heritage Area
24 is hereby superceded and shall have no effect.

Attest: **CHERYL L. JOHNSON,**
Clerk.