

116TH CONGRESS
2D SESSION

S. 3217

To standardize the designation of National Heritage Areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2020

Ms. STABENOW (for herself, Mr. ROBERTS, Mr. PETERS, Mr. HEINRICH, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To standardize the designation of National Heritage Areas,
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 “National Heritage
5 Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) LOCAL COORDINATING ENTITY.—The term
9 “local coordinating entity” means the entity des-
10 ignated by Congress—

1 (A) to carry out, in partnership with other
2 individuals and entities, the management plan
3 for a National Heritage Area; and

4 (B) to operate the National Heritage Area,
5 including through the implementation of
6 projects and programs among diverse partners
7 in the National Heritage Area.

8 (2) NATIONAL HERITAGE AREA.—The term
9 “National Heritage Area” means a component of the
10 National Heritage Area System described in section
11 3(b).

12 (3) NATIONAL HERITAGE AREA SYSTEM.—The
13 term “National Heritage Area System” means the
14 system established by section 3(a).

15 (4) PROPOSED NATIONAL HERITAGE AREA.—
16 The term “proposed National Heritage Area” means
17 an area that is proposed to be designated as a Na-
18 tional Heritage Area.

19 (5) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (6) TRIBAL GOVERNMENT.—The term “Tribal
22 government” means the governing body of an Indian
23 Tribe included on the most recent list published by
24 the Secretary pursuant to section 104 of the Feder-

1 ally Recognized Indian Tribe List Act of 1994 (25
2 U.S.C. 5131).

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

4 (a) IN GENERAL.—To recognize certain areas of the
5 United States that tell nationally significant stories and
6 to conserve, enhance, and interpret those nationally sig-
7 nificant stories and the natural, historic, scenic, and cul-
8 tural resources of areas that illustrate significant aspects
9 of the heritage of the United States, there is established
10 a National Heritage Area System through the administra-
11 tion of which the Secretary may provide technical and fi-
12 nancial assistance to local coordinating entities to support
13 the establishment, development, and continuity of the Na-
14 tional Heritage Areas.

15 (b) NATIONAL HERITAGE AREA SYSTEM.—The Na-
16 tional Heritage Area System shall be composed of—

17 (1) each National Heritage Area, National His-
18 toric District, National Heritage Corridor, National
19 Heritage Canalway, Cultural Heritage Corridor, and
20 National Heritage Partnership designated by Con-
21 gress before or on the date of enactment of this Act;
22 and

23 (2) each National Heritage Area designated by
24 Congress after the date of enactment of this Act,
25 unless the law designating the area exempts that

1 area from the National Heritage Area System by
2 specific reference to this Act.

3 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
4 TEM.—

5 (1) RELATIONSHIP TO NATIONAL PARK
6 UNITS.—The Secretary shall—

7 (A) ensure, to the maximum extent prac-
8 ticable, participation and assistance by any ad-
9 ministrator of a unit of the National Park Sys-
10 tem that is located near or encompassed by a
11 National Heritage Area in local initiatives for
12 the National Heritage Area to conserve and in-
13 terpret resources consistent with the applicable
14 management plan for the National Heritage
15 Area; and

16 (B) work with local coordinating entities to
17 promote public enjoyment of units of the Na-
18 tional Park System and National Park-related
19 resources.

20 (2) TREATMENT.—A National Heritage Area
21 shall not be—

22 (A) considered to be a unit of the National
23 Park System; or

24 (B) subject to the authorities applicable to
25 units of the National Park System.

1 (d) DUTIES.—Under the National Heritage Area
2 System, the Secretary shall—

3 (1) review and approve or disapprove the man-
4 agement plan for a National Heritage Area in ac-
5 cordance with section 4(c); and

6 (2) submit to the Committee on Energy and
7 Natural Resources of the Senate and the Committee
8 on Natural Resources of the House of Representa-
9 tives reports describing the activities conducted with
10 respect to National Heritage Areas in accordance
11 with this Act.

12 (e) AUTHORITIES.—In carrying out this Act, the Sec-
13 retary may—

14 (1) conduct or review, as applicable, feasibility
15 studies in accordance with section 4(a);

16 (2) conduct an evaluation of the accomplish-
17 ments of, and submit to Congress a report that in-
18 cludes recommendations regarding the role of Na-
19 tional Park Service with respect to, each National
20 Heritage Area, in accordance with section 5;

21 (3) use amounts made available under section 7
22 to provide technical and financial assistance, on a
23 reimbursable or nonreimbursable basis, as deter-
24 mined by the Secretary, for—

1 (A) the development and implementation of
2 management plans for National Heritage Areas;
3 and

4 (B) the administration of National Herit-
5 age Areas;

6 (4) enter into cooperative agreements with
7 other Federal agencies, States, Tribal governments,
8 local governments, local coordinating entities, and
9 other interested individuals and entities to achieve
10 the purposes of the National Heritage Area System;

11 (5) provide information, promote under-
12 standing, and encourage research regarding National
13 Heritage Areas, in partnership with local coordi-
14 nating entities; and

15 (6) provide national oversight, analysis, coordi-
16 nation, technical and financial assistance, and sup-
17 port to ensure consistency and accountability of the
18 National Heritage Area System.

19 **SEC. 4. DESIGNATION OF NATIONAL HERITAGE AREAS.**

20 (a) STUDIES.—

21 (1) IN GENERAL.—The Secretary may carry out
22 or review a study to assess the suitability and feasi-
23 bility of each proposed National Heritage Area for
24 designation as a National Heritage Area.

25 (2) PREPARATION.—

1 (A) IN GENERAL.—A study under para-
 2 graph (1) may be carried out—

3 (i) by the Secretary, in consultation
 4 with State and local historic preservation
 5 officers, State and local historical societies,
 6 State and local tourism offices, and other
 7 appropriate organizations and govern-
 8 mental agencies; or

9 (ii) by interested individuals or enti-
 10 ties, if the Secretary certifies that the com-
 11 pleted study meets the requirements of
 12 paragraph (3).

13 (B) CERTIFICATION.—Not later than 1
 14 year after receiving a study carried out by in-
 15 terested individuals or entities under subpara-
 16 graph (A)(ii), the Secretary shall review and
 17 certify whether the study meets the require-
 18 ments of paragraph (3).

19 (3) REQUIREMENTS.—A study under paragraph
 20 (1) shall include analysis, documentation, and deter-
 21 minations on whether the proposed National Herit-
 22 age Area—

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

- 1 (i) represent distinctive 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 and ac-
- 11 tive communities;
- 12 (B) reflects traditions, customs, beliefs,
- 13 and folklife that are a valuable part of the story
- 14 of the United States;
- 15 (C) provides outstanding opportunities—
- 16 (i) to conserve natural, historic, cul-
- 17 tural, or scenic features; and
- 18 (ii) for recreation and education;
- 19 (D) contains resources that—
- 20 (i) are important to any identified
- 21 themes of the proposed National Heritage
- 22 Area; and
- 23 (ii) retain a degree of integrity capa-
- 24 ble of supporting interpretation;

1 (E) includes residents, business interests,
2 nonprofit organizations, and State and local
3 governments that—

4 (i) are involved in the planning of the
5 proposed National Heritage Area;

6 (ii) have developed a conceptual finan-
7 cial plan that outlines the roles of all par-
8 ticipants in the proposed National Herit-
9 age Area, including the Federal Govern-
10 ment; and

11 (iii) have demonstrated support for
12 the designation of the proposed National
13 Heritage Area;

14 (F) has a potential management entity to
15 work in partnership with the individuals and
16 entities described in subparagraph (E) to de-
17 velop the proposed National Heritage Area
18 while encouraging State and local economic ac-
19 tivity; and

20 (G) has a conceptual boundary map that is
21 supported by the public.

22 (4) REPORT.—

23 (A) IN GENERAL.—For each study carried
24 out under paragraph (1), the Secretary shall
25 submit to the Committee on Energy and Nat-

1 ural Resources of the Senate and the Com-
 2 mittee on Natural Resources of the House of
 3 Representatives a report that describes—

4 (i) the findings of the study; and

5 (ii) any conclusions and recommenda-
 6 tions of the Secretary.

7 (B) TIMING.—

8 (i) STUDIES CARRIED OUT BY THE
 9 SECRETARY.—With respect to a study car-
 10 ried out by the Secretary in accordance
 11 with paragraph (2)(A)(i), the Secretary
 12 shall submit a report under subparagraph
 13 (A) not later than 3 years after the date
 14 on which funds are first made available to
 15 carry out the study.

16 (ii) STUDIES CARRIED OUT BY OTHER
 17 INTERESTED PARTIES.—With respect to a
 18 study carried out by interested individuals
 19 or entities in accordance with paragraph
 20 (2)(A)(ii), the Secretary shall submit a re-
 21 port under subparagraph (A) not later
 22 than 180 days after the date on which the
 23 Secretary certifies under paragraph (2)(B)
 24 that the study meets the requirements of
 25 paragraph (3).

1 (b) DESIGNATION.—

2 (1) IN GENERAL.—An area may be designated
3 as a National Heritage Area only by an Act of Con-
4 gress.

5 (2) DESIGNATION.—On receipt of a report
6 under subsection (a)(4) recommending the designa-
7 tion of a proposed National Heritage Area as a Na-
8 tional Heritage Area, Congress may designate—

9 (A) as a National Heritage Area the pro-
10 posed National Heritage Area that is the sub-
11 ject of the relevant feasibility study; and

12 (B) a local coordinating entity to operate
13 the National Heritage Area.

14 (3) TREATMENT AS COMPONENT OF NATIONAL
15 HERITAGE AREA SYSTEM.—A National Heritage
16 Area designated under paragraph (2)(A) shall be a
17 component of the National Heritage Area System,
18 unless the law designating the National Heritage
19 Area exempts the National Heritage Area from the
20 National Heritage Area System through a specific
21 reference to this Act.

22 (c) MANAGEMENT PLAN.—

23 (1) IN GENERAL.—The applicable local coordi-
24 nating entity shall develop a management plan for a

1 National Heritage Area in accordance with para-
2 graph (2).

3 (2) REQUIREMENTS.—The management plan
4 for a National Heritage Area shall—

5 (A) be developed using a comprehensive
6 planning approach that includes—

7 (i) opportunities for stakeholders
8 (such as community members, local and re-
9 gional governments, Tribal governments,
10 businesses, nonprofit organizations, and
11 others)—

12 (I) to be involved in the planning
13 process; and

14 (II) to review and comment on
15 the draft plan; and

16 (ii) documentation of the planning
17 and public participation processes, includ-
18 ing a description of—

19 (I) the means by which the man-
20 agement plan was prepared;

21 (II) the stakeholders involved in
22 the process; and

23 (III) the timing and method of
24 stakeholder involvement;

1 (B) include an inventory of the natural,
2 historic, cultural, and scenic resources of the
3 National Heritage Area relating to the nation-
4 ally significant themes and events of the region
5 that should be protected, enhanced, interpreted,
6 managed, or developed;

7 (C) identify comprehensive goals, strate-
8 gies, policies, and recommendations for—

9 (i) demonstrating the heritage rep-
10 resented by the National Heritage Area;
11 and

12 (ii) encouraging long-term resource
13 protection, enhancement, interpretation,
14 and development;

15 (D) include recommendations for ways in
16 which Federal, State, Tribal government, and
17 local entities may best be coordinated, including
18 the role of the National Park Service and other
19 Federal agencies associated with the National
20 Heritage Area, to advance the purposes of this
21 Act;

22 (E) describe a strategy by which the local
23 coordinating entity will achieve financial sus-
24 tainability;

1 (F) include an implementation program
2 that identifies, with respect to the National
3 Heritage Area—

4 (i) prioritized actions and criteria for
5 selecting future projects;

6 (ii) existing and potential sources of
7 funding;

8 (iii) performance goals;

9 (iv) the means by which stakeholders
10 will be involved; and

11 (v) the manner in which the manage-
12 ment plan will be evaluated and updated;

13 (G) include a business plan for the local
14 coordinating entity that, at a minimum, ad-
15 dresses management and operation, products or
16 services offered, the target market for those
17 products and services, and revenue streams;
18 and

19 (H) be submitted to the Secretary for ap-
20 proval by not later than 3 years after the date
21 on which the National Heritage Area is des-
22 ignated by Congress under subsection (b).

23 (3) APPLICABILITY.—The requirements de-
24 scribed in paragraph (2) shall not apply to any man-
25 agement plan or other similar plan in effect on the

1 date of enactment of this Act with respect to a Na-
2 tional Heritage Area described in section 3(b)(1).

3 **SEC. 5. EVALUATION.**

4 (a) IN GENERAL.—At reasonable and appropriate in-
5 tervals, as determined by the Secretary, the Secretary
6 may—

7 (1) conduct an evaluation of the accomplish-
8 ments of a National Heritage Area in accordance
9 with subsection (b); and

10 (2) prepare and submit to the Committee on
11 Energy and Natural Resources of the Senate and
12 the Committee on Natural Resources of the House
13 of Representatives a report that includes rec-
14 ommendations for the continued role of the National
15 Park Service with respect to each National Heritage
16 Area in accordance with subsection (c).

17 (b) COMPONENTS.—An evaluation under subsection
18 (a)(1) shall—

19 (1) assess the progress of the applicable local
20 coordinating entity of a National Heritage Area with
21 respect to—

22 (A) accomplishing the purposes of the ap-
23 plicable National Heritage Area; and

24 (B) achieving the goals and objectives of
25 the management plan;

1 (2) analyze Federal, State, local, Tribal govern-
2 ment, and private investments in the National Herit-
3 age Area to determine the leverage and impact of
4 the investments; and

5 (3) review the management structure, partner-
6 ship relationships, and funding of the National Her-
7 itage Area for purposes of identifying the critical
8 components for sustainability of the National Herit-
9 age Area.

10 (c) RECOMMENDATIONS.—Each report under sub-
11 section (a)(2) shall include—

12 (1) if the report contains a recommendation of
13 the Secretary that Federal funding for the applicable
14 National Heritage Area should be continued, an
15 analysis of—

16 (A) any means by which that Federal
17 funding may be reduced or eliminated over
18 time; and

19 (B) the appropriate time period necessary
20 to achieve the recommended reduction or elimi-
21 nation of Federal funding; or

22 (2) if the report contains a recommendation of
23 the Secretary that Federal funding for the applicable
24 National Heritage Area should be eliminated, a de-
25 scription of potential impacts on conservation, inter-

6 SEC. 6. PROPERTY OWNERS AND REGULATORY PROTEC-
7 TIONS.

(1) abridges any right of a public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within a National Heritage Area;

(3) modifies any provision of Federal, State, Tribal, or local law with respect to public access or use of private land;

23 (B) conveys to any local coordinating entity any
24 land use or other regulatory authority;

1 (5) authorizes or implies the reservation or ap-
 2 propriation of water or water rights;

3 (6) diminishes the authority of a State to man-
 4 age fish and wildlife, including through the regula-
 5 tion of fishing and hunting within a National Herit-
 6 age Area in the State; or

7 (7) creates or affects any liability—

8 (A) under any other provision of law; or

9 (B) of any private property owner with re-
 10 spect to any person injured on private property.

11 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—Notwithstanding any other provi-
 13 sion of law, there is authorized to be appropriated to the
 14 Secretary for each fiscal year not more than \$1,000,000
 15 for each National Heritage Area.

16 (b) COST-SHARING REQUIREMENT.—

17 (1) FEDERAL SHARE.—Except as otherwise
 18 provided in applicable law, including any law desig-
 19 nating a National Heritage Area, the Federal share
 20 of the total cost of any activity funded with appro-
 21 priations authorized by subsection (a) shall be not
 22 more than 50 percent.

23 (2) FORM OF NON-FEDERAL SHARE.—The non-
 24 Federal share of the total cost of any activity funded
 25 with appropriations authorized by subsection (a)

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

3 (c) AUTHORITY TO PROVIDE ASSISTANCE.—Not-
4 withstanding any other provision of law, the Secretary
5 may provide assistance to a National Heritage Area dur-
6 ing any fiscal year for which appropriations are authorized
7 under subsection (a).

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