

116TH CONGRESS
2D SESSION

S. 3363

To establish the Alabama Black Belt National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2020

Mr. SHELBY (for himself and Mr. JONES) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish the Alabama Black Belt 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 “Alabama Black Belt
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **LOCAL COORDINATING ENTITY.**—The term
9 “Local Coordinating Entity” means the local coordi-

1 nating entity for the National Heritage Area des-
 2 ignated by section 3(b).

3 (2) MANAGEMENT PLAN.—The term “manage-
 4 ment plan” means the management plan for the Na-
 5 tional Heritage Area prepared under section 5.

6 (3) MAP.—The term “map” means the map en-
 7 titled “Alabama Black Belt Heritage Area Bound-
 8 ary”.

9 (4) NATIONAL HERITAGE AREA.—The term
 10 “National Heritage Area” means the Alabama Black
 11 Belt National Heritage Area established by section
 12 3(a).

13 (5) SECRETARY.—The term “Secretary” means
 14 the Secretary of the Interior.

15 (6) STATE.—The term “State” means the State
 16 of Alabama.

17 **SEC. 3. ESTABLISHMENT OF ALABAMA BLACK BELT NA-**
 18 **TIONAL HERITAGE AREA.**

19 (a) IN GENERAL.—There is established in the State
 20 the Alabama Black Belt National Heritage Area con-
 21 sisting of land in Bibb, Bullock, Butler, Choctaw, Clarke,
 22 Conecuh, Dallas, Greene, Hale, Lowndes, Macon,
 23 Marengo, Monroe, Montgomery, Perry, Pickens, Sumter,
 24 Washington, and Wilcox counties in the State, as generally
 25 depicted in the management plan.

1 (b) LOCAL COORDINATING ENTITY.—The Center for
 2 the Study of the Black Belt at the University of West Ala-
 3 bama shall be the local coordinating entity for the Na-
 4 tional Heritage Area.

5 **SEC. 4. ADMINISTRATION.**

6 (a) AUTHORITIES.—For purposes of carrying out the
 7 management plan, the Secretary (acting through the Local
 8 Coordinating Entity) may use amounts made available
 9 under section 9—

10 (1) to make grants to the State, political sub-
 11 divisions of the State, Indian Tribes with jurisdic-
 12 tion over land in the State, nonprofit organizations,
 13 and other persons;

14 (2) to enter into cooperative agreements with,
 15 or provide technical assistance to, the State, political
 16 subdivisions of the State, Indian Tribes, nonprofit
 17 organizations, and other interested persons;

18 (3) to hire and compensate staff, which shall in-
 19 clude individuals with expertise in natural, cultural,
 20 and historical resources protection and heritage pro-
 21 gramming;

22 (4) to obtain money or services from any
 23 source, including any money or services that are pro-
 24 vided under any other Federal law or program;

25 (5) to contract for goods or services; and

1 (6) to undertake any other activity that—

2 (A) furthers the purposes of the National
3 Heritage Area; and

4 (B) is consistent with the approved man-
5 agement plan.

6 (b) DUTIES.—The Local Coordinating Entity shall—

7 (1) assist Federal agencies, the State, political
8 subdivisions of the State, Indian Tribes, regional
9 planning organizations, nonprofit organizations, and
10 other interested persons in carrying out the ap-
11 proved management plan by—

12 (A) carrying out programs and projects
13 that recognize, protect, and enhance important
14 resource values in the National Heritage Area;

15 (B) establishing and maintaining interpre-
16 tive exhibits and programs in the National Her-
17 itage Area;

18 (C) developing recreational and educational
19 opportunities in the National Heritage Area;

20 (D) increasing public awareness of, and
21 appreciation for, natural, historical, scenic, and
22 cultural resources of the National Heritage
23 Area;

24 (E) protecting and restoring historic sites
25 and buildings in the National Heritage Area

1 that are consistent with the themes of the Na-
2 tional Heritage Area;

3 (F) ensuring that clear, consistent, and ap-
4 propriate signs identifying points of public ac-
5 cess and sites of interest are posted throughout
6 the National Heritage Area; and

7 (G) promoting a wide range of partner-
8 ships among the Federal Government, State,
9 Tribal, and local governments, organizations,
10 and individuals to further the purposes of the
11 National Heritage Area;

12 (2) consider the interests of diverse units of
13 government, businesses, organizations, and individ-
14 uals in the National Heritage Area in the prepara-
15 tion and implementation of the management plan;

16 (3) conduct meetings open to the public not less
17 frequently than semiannually regarding the prepara-
18 tion and implementation of the management plan;

19 (4) for any year that Federal funds have been
20 received under this subsection—

21 (A) submit to the Secretary an annual re-
22 port that describes, with respect to the report-
23 ing period—

24 (i) the activities, expenses, and income
25 of the Local Coordinating Entity; and

1 (ii) any grants made to any other en-
 2 tities;

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

6 (C) require, with respect to all agreements
 7 authorizing the expenditure of Federal funds by
 8 any other organization, that the organization
 9 receiving the funds make available to the Sec-
 10 retary for audit all records concerning the ex-
 11 penditure of the funds; and

12 (5) encourage, by appropriate means and con-
 13 sistent with the purposes of the National Heritage
 14 Area, the economic viability of the National Heritage
 15 Area.

16 (c) PROHIBITION ON THE ACQUISITION OF REAL
 17 PROPERTY.—The Local Coordinating Entity shall not use
 18 Federal funds made available under section 9 to acquire
 19 real property or any interest in real property.

20 **SEC. 5. MANAGEMENT PLAN.**

21 (a) IN GENERAL.—Not later than 3 years after the
 22 date of enactment of this Act, the Local Coordinating En-
 23 tity shall prepare and submit to the Secretary for approval
 24 a proposed management plan for the National Heritage
 25 Area.

1 (b) REQUIREMENTS.—The management plan shall—

2 (1) incorporate an integrated and cooperative
3 approach for the protection, enhancement, and inter-
4 pretation of the natural, cultural, historic, scenic,
5 and recreational resources of the National Heritage
6 Area;

7 (2) take into consideration other applicable
8 Federal, State, local, and Tribal plans and treaty
9 rights;

10 (3) include—

11 (A) an inventory of—

12 (i) the resources located in the Na-
13 tional Heritage Area; and

14 (ii) any other property in the National
15 Heritage Area that—

16 (I) is related to the themes of the
17 National Heritage Area; and

18 (II) should be preserved, re-
19 stored, managed, or maintained be-
20 cause of the significance of the prop-
21 erty;

22 (B) comprehensive policies, strategies, and
23 recommendations for the conservation, funding,
24 management, and development of the National
25 Heritage Area;

1 (C) a description of activities that the Fed-
2 eral Government, State, Tribal, and local gov-
3 ernments, private organizations, and individuals
4 have agreed to carry out to protect the natural,
5 historical, cultural, scenic, and recreational re-
6 sources of the National Heritage Area;

7 (D) a program of implementation for the
8 management plan by the Local Coordinating
9 Entity that includes a description of—

10 (i) actions to facilitate ongoing col-
11 laboration among partners to promote
12 plans for resource protection, restoration,
13 and construction; and

14 (ii) specific commitments for imple-
15 mentation that have been made by the
16 Local Coordinating Entity or any unit of
17 government, organization, or individual for
18 the first 5 years of operation of the Na-
19 tional Heritage Area;

20 (E) the identification of sources of funding
21 to implement the management plan;

22 (F) analysis and recommendations for
23 means by which Federal, State, local, and Trib-
24 al programs may be best coordinated (including
25 the role of the National Park Service in the Na-

1 tional Heritage Area) to carry out the purposes
2 of this Act; and

3 (G) an interpretive plan for the National
4 Heritage Area; and

5 (4) recommend policies and strategies for re-
6 source management that consider and detail the ap-
7 plication of appropriate land and water management
8 techniques, including the development of intergov-
9 ernmental and interagency cooperative agreements
10 to protect the natural, historical, cultural, edu-
11 cational, scenic, and recreational resources of the
12 National Heritage Area.

13 (c) DEADLINE.—If a proposed management plan is
14 not submitted to the Secretary by the date that is 3 years
15 after the date of enactment of this Act, the Local Coordi-
16 nating Entity shall be ineligible to receive additional fund-
17 ing under this Act until the date on which the Secretary
18 approves the management plan.

19 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
20 PLAN.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of receipt of the management plan
23 under subsection (a), the Secretary, in consultation
24 with State and Tribal governments, shall approve or
25 disapprove the management plan.

1 (2) CRITERIA FOR APPROVAL.—In determining
2 whether to approve the management plan, the Sec-
3 retary shall consider whether—

4 (A) the Local Coordinating Entity is rep-
5 resentative of the diverse interests of the Na-
6 tional Heritage Area, including the Federal
7 Government, State, Tribal, and local govern-
8 ments, natural and historic resource protection
9 organizations, educational institutions, busi-
10 nesses, and recreational organizations;

11 (B) the Local Coordinating Entity has af-
12 forded adequate opportunity, including public
13 hearings, for public and governmental involve-
14 ment in the preparation of the management
15 plan; and

16 (C) the resource protection and interpreta-
17 tion strategies contained in the management
18 plan, if implemented, would adequately protect
19 the natural, historical, and cultural resources of
20 the National Heritage Area.

21 (3) ACTION FOLLOWING DISAPPROVAL.—If the
22 Secretary disapproves the management plan under
23 paragraph (1), the Secretary shall—

24 (A) advise the Local Coordinating Entity
25 in writing the reasons for the disapproval;

1 (B) make recommendations to the Local
 2 Coordinating Entity for revisions to the man-
 3 agement plan; and

4 (C) not later than 180 days after the re-
 5 ceipt of any proposed revision of the manage-
 6 ment plan from the Local Coordinating Entity,
 7 approve or disapprove the proposed revision.

8 (4) AMENDMENTS.—

9 (A) IN GENERAL.—The Secretary shall ap-
 10 prove or disapprove each amendment to the
 11 management plan that makes a substantial
 12 change to the management plan, as determined
 13 by the Secretary.

14 (B) USE OF FUNDS.—The Local Coordi-
 15 nating Entity shall not use Federal funds au-
 16 thorized under section 9 to carry out any
 17 amendment to the management plan until the
 18 date on which the Secretary has approved the
 19 amendment.

20 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

24 (b) CONSULTATION AND COORDINATION.—The head
 25 of any Federal agency planning to conduct activities that

1 may have an impact on the National Heritage Area is en-
 2 couraged to consult and coordinate the activities with the
 3 Secretary and the Local Coordinating Entity to the max-
 4 imum extent practicable.

5 (c) OTHER FEDERAL AGENCIES.—Nothing in this
 6 Act—

7 (1) modifies, alters, or amends any law (includ-
 8 ing regulations) authorizing a Federal agency to
 9 manage Federal land under the jurisdiction of the
 10 Federal agency;

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

14 (3) modifies, alters, or amends any authorized
 15 use of Federal land under the jurisdiction of a Fed-
 16 eral agency.

17 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
 18 **TIONS.**

19 Nothing in this Act—

20 (1) abridges the rights of any property owner
 21 (whether public or private), including the right to re-
 22 frain from participating in any plan, project, pro-
 23 gram, or activity conducted within the National Her-
 24 itage Area;

25 (2) requires any property owner—

1 (A) to permit public access (including ac-
2 cess by Federal, State, or local agencies) to the
3 property of the property owner; or

4 (B) to modify public access or use of prop-
5 erty of the property owner under any other
6 Federal, State, or local law;

7 (3) alters any duly adopted land use regulation,
8 approved land use plan, or other regulatory author-
9 ity of any Federal, State, Tribal, or local agency;

10 (4) conveys any land use or other regulatory
11 authority to the Local Coordinating Entity;

12 (5) authorizes or implies the reservation or ap-
13 propriation of water or water rights;

14 (6) enlarges or diminishes the treaty rights of
15 any Indian Tribe within the National Heritage Area;

16 (7) diminishes—

17 (A) the authority of the State to manage
18 fish and wildlife, including the regulation of
19 fishing and hunting, within the National Herit-
20 age Area; or

21 (B) the authority of Indian Tribes to regu-
22 late members of Indian Tribes with respect to
23 fishing, hunting, and gathering in the exercise
24 of treaty rights; or

1 (8) 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. 8. EVALUATION AND REPORT.**

6 (a) IN GENERAL.—Not later than 3 years before the
7 date on which authority for Federal funding terminates
8 for the National Heritage Area, the Secretary shall—

9 (1) conduct an evaluation of the accomplish-
10 ments of the National Heritage Area; and

11 (2) prepare a report in accordance with sub-
12 section (c).

13 (b) EVALUATION.—An evaluation conducted under
14 subsection (a)(1) shall—

15 (1) assess the progress of the Local Coordi-
16 nating Entity with respect to—

17 (A) accomplishing the purposes of the Na-
18 tional Heritage Area; and

19 (B) achieving the goals and objectives of
20 the management plan;

21 (2) analyze the investments of the Federal Gov-
22 ernment, State, Tribal, and local governments, and
23 private entities in the National Heritage Area to de-
24 termine the impact of the investments; and

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

6 (c) REPORT.—Based on the evaluation conducted
7 under subsection (a)(1), the Secretary shall submit to the
8 Committee on Energy and Natural Resources of the Sen-
9 ate and the Committee on Natural Resources of the House
10 of Representatives a report that includes recommendations
11 for the future role of the National Park Service, if any,
12 with respect to the National Heritage Area.

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated for the National Heritage Area \$10,000,000, of
16 which not more than \$1,000,000 may be made available
17 in any fiscal year.

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

20 (c) COST-SHARING REQUIREMENT.—

21 (1) IN GENERAL.—The Federal share of the
22 total cost of any activity under this Act shall be not
23 more than 50 percent.

24 (2) FORM.—The non-Federal share of the total
25 cost of any activity under this Act may be in the

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

3 (d) TERMINATION OF AUTHORITY.—The authority of
4 the Secretary to provide assistance under this Act termi-
5 nates on the date that is 15 years after the date of enact-
6 ment of this Act.

