

116TH CONGRESS
2D SESSION

S. 4816

To establish the Southern Maryland National Heritage Area, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 20 (legislative day, OCTOBER 19), 2020

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

A BILL

To establish the Southern Maryland 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 “Southern Maryland
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **HERITAGE AREA.**—The term “Heritage
9 Area” means the Southern Maryland National Her-
10 itage Area established by section 3(a).

1 (2) LOCAL COORDINATING ENTITY.—The term
 2 “Local Coordinating Entity” means the local coordi-
 3 nating entity for the Heritage Area designated by
 4 section 3(c).

5 (3) MANAGEMENT PLAN.—The term “manage-
 6 ment plan” means the management plan for the
 7 Heritage Area prepared under section 5(a).

8 (4) SECRETARY.—The term “Secretary” means
 9 the Secretary of the Interior.

10 (5) STATE.—The term “State” means the State
 11 of Maryland.

12 **SEC. 3. ESTABLISHMENT OF SOUTHERN MARYLAND NA-**
 13 **TIONAL HERITAGE AREA.**

14 (a) IN GENERAL.—There is established in the State
 15 the Southern Maryland National Heritage Area, to be ad-
 16 ministered in accordance with this Act.

17 (b) BOUNDARIES.—The Heritage Area shall include
 18 portions of St. Mary’s, Calvert, Charles, and Prince
 19 George’s Counties in the State, with the specific bound-
 20 aries to be established by the Secretary, based on the fea-
 21 sibility study for the Heritage Area.

22 (c) LOCAL COORDINATING ENTITY.—The Tri-County
 23 Council for Southern Maryland shall serve as the local co-
 24 ordinating entity for the Heritage Area.

1 **SEC. 4. ADMINISTRATION.**

2 (a) **AUTHORITIES.**—For purposes of carrying out the
3 management plan, the Secretary (acting through the Local
4 Coordinating Entity) may use amounts made available
5 under section 9—

6 (1) to make grants to the State, political sub-
7 divisions of the State, Indian Tribes, nonprofit orga-
8 nizations, and other entities;

9 (2) to enter into cooperative agreements with,
10 or provide technical assistance to, the State, political
11 subdivisions of the State, Indian Tribes, nonprofit
12 organizations, and other interested entities;

13 (3) to hire and compensate staff, which shall in-
14 clude individuals with expertise in natural, cultural,
15 and historical resources protection and heritage pro-
16 gramming;

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

20 (5) to contract for marketing, advertising, and
21 public relations;

22 (6) to contract for goods or services;

23 (7) to contract for fundraising; and

24 (8) to undertake any other activity that—

25 (A) furthers the purposes of the Heritage
26 Area; and

1 (B) is consistent with the approved man-
2 agement plan.

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

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

9 (A) carrying out programs and projects
10 that recognize, protect, and enhance important
11 resource values in the Heritage Area;

12 (B) establishing and maintaining interpre-
13 tive exhibits and programs in the Heritage
14 Area;

15 (C) developing recreational, interpretive,
16 and educational opportunities in the Heritage
17 Area;

18 (D) increasing public awareness of, and
19 appreciation for, natural, historical, scenic, and
20 cultural resources of the Heritage Area;

21 (E) protecting and restoring historic sites
22 and buildings in the Heritage Area that are
23 consistent with the themes of the Heritage
24 Area;

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

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

10 (2) consider the interests of diverse units of
11 government, businesses, organizations, and individ-
12 uals in the Heritage Area in the preparation and im-
13 plementation of the management plan;

14 (3) conduct meetings open to the public not less
15 frequently than semiannually regarding the develop-
16 ment and implementation of the management plan;
17 and

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

20 (A) submit to the Secretary an annual re-
21 port that describes, with respect to the report-
22 ing period, the activities, expenses, and income
23 of the Local Coordinating Entity;

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

4 (C) encourage, by appropriate means and
5 consistent with the purposes of the Heritage
6 Area, the economic viability of the Heritage
7 Area.

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

12 **SEC. 5. MANAGEMENT PLAN.**

13 (a) IN GENERAL.—Not later than 3 years after the
14 date on which funds are first made available to carry out
15 this Act, the Local Coordinating Entity shall submit to
16 the Secretary for approval a proposed management plan
17 for the Heritage Area.

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

19 (1) incorporate an integrated and cooperative
20 approach for the protection, enhancement, and inter-
21 pretation of the natural, cultural, historic, scenic,
22 and recreational resources of the Heritage Area;

23 (2) take into consideration other applicable
24 Federal, State, local, and Tribal plans and treaty
25 rights; and

1 (3) include—

2 (A) an inventory of—

3 (i) the resources located in the Herit-
4 age Area; and

5 (ii) any other property in the Heritage
6 Area that—

7 (I) is related to the themes of the
8 Heritage Area; and

9 (II) should be preserved, re-
10 stored, managed, or maintained be-
11 cause of the significance of the prop-
12 erty;

13 (B) comprehensive policies, strategies, and
14 recommendations for the conservation, funding,
15 management, and development of the Heritage
16 Area;

17 (C) a description of activities that the Fed-
18 eral Government, State, Tribal, and local gov-
19 ernments, private organizations, and individuals
20 have agreed to carry out to protect the natural,
21 historical, cultural, scenic, and recreational re-
22 sources of the Heritage Area;

23 (D) a program of implementation for the
24 management plan by the Local Coordinating
25 Entity that includes a description of—

1 (i) actions to facilitate ongoing col-
2 laboration among partners to promote
3 plans for resource protection, restoration,
4 and construction; and

5 (ii) specific commitments for imple-
6 mentation that have been made by the
7 Local Coordinating Entity or any unit of
8 government, organization, or individual for
9 the first 5 years of operation of the Herit-
10 age Area;

11 (E) the identification of sources of funding
12 to implement the management plan;

13 (F) analysis and recommendations for
14 means by which Federal, State, local, and Trib-
15 al programs (including the role of the National
16 Park Service in the Heritage Area) may carry
17 out the purposes of this Act;

18 (G) an interpretive plan for the Heritage
19 Area; and

20 (H) recommended policies and strategies
21 for resource management that consider and de-
22 tail the application of appropriate land and
23 water management techniques, including the de-
24 velopment of intergovernmental and interagency
25 cooperative agreements to protect the natural,

1 historical, cultural, educational, scenic, and rec-
2 reational resources of the Heritage Area.

3 (c) DEADLINE.—If a proposed management plan is
4 not submitted to the Secretary by the date that is 3 years
5 after the date on which funds are first made available to
6 carry out this Act, the Local Coordinating Entity shall be
7 ineligible to receive additional funding under this Act until
8 the date on which the Secretary approves the management
9 plan.

10 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
11 PLAN.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of receipt of the management plan
14 under subsection (a), the Secretary, in consultation
15 with State and Tribal governments, shall approve or
16 disapprove the management plan.

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

20 (A) the Local Coordinating Entity is rep-
21 resentative of the diverse interests of the Herit-
22 age Area, including the Federal Government,
23 State, Tribal, and local governments, natural
24 and historic resource protection organizations,

1 educational institutions, businesses, and rec-
2 reational organizations;

3 (B) the Local Coordinating Entity has af-
4 farded adequate opportunity, including public
5 hearings, for public and governmental involve-
6 ment in the preparation of the management
7 plan; and

8 (C) the resource protection and interpreta-
9 tion strategies contained in the management
10 plan, if implemented, would adequately protect
11 the natural, historical, and cultural resources of
12 the Heritage Area.

13 (3) ACTION FOLLOWING DISAPPROVAL.—If the
14 Secretary disapproves the management plan under
15 paragraph (1), the Secretary shall—

16 (A) advise the Local Coordinating Entity
17 in writing of the reasons for the disapproval;

18 (B) make recommendations to the Local
19 Coordinating Entity for revisions to the man-
20 agement plan; and

21 (C) not later than 180 days after the re-
22 ceipt of any proposed revision of the manage-
23 ment plan from the Local Coordinating Entity,
24 approve or disapprove the proposed revision.

25 (4) AMENDMENTS.—

1 (A) IN GENERAL.—The Secretary shall ap-
2 prove or disapprove each amendment of the
3 management plan that the Secretary determines
4 makes a substantial change to the management
5 plan.

6 (B) USE OF FUNDS.—The Local Coordi-
7 nating Entity shall not use Federal funds au-
8 thorized under section 9 to carry out any
9 amendment to the management plan until the
10 date on which the Secretary has approved the
11 amendment.

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

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

16 (b) CONSULTATION AND COORDINATION.—The head
17 of any Federal agency planning to conduct activities that
18 may have an impact on the Heritage Area is encouraged
19 to consult and coordinate the activities with the Secretary
20 and the Local Coordinating Entity to the maximum extent
21 practicable.

22 (c) OTHER FEDERAL AGENCIES.—Nothing in this
23 Act—

24 (1) modifies, alters, or amends any law (includ-
25 ing regulations) authorizing a Federal agency to

1 manage Federal land under the jurisdiction of the
2 Federal agency;

3 (2) limits the discretion of a Federal land man-
4 ager to implement an approved land use plan within
5 the boundaries of the Heritage Area; or

6 (3) modifies, alters, or amends any authorized
7 use of Federal land under the jurisdiction of a Fed-
8 eral agency.

9 **SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTEC-**
10 **TIONS.**

11 Nothing in this Act—

12 (1) abridges the rights of any property owner
13 (whether public or private), including the right to re-
14 frain from participating in any plan, project, pro-
15 gram, or activity conducted within the Heritage
16 Area;

17 (2) requires any property owner—

18 (A) to permit public access (including ac-
19 cess by Federal, State, or local agencies) to the
20 property of the property owner; or

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

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

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

6 (5) authorizes or implies the reservation or ap-
7 propriation of water or water rights;

8 (6) enlarges or diminishes the treaty rights of
9 any Indian Tribe within the Heritage Area;

10 (7) diminishes—

11 (A) the authority of the State to manage
12 fish and wildlife, including the regulation of
13 fishing and hunting, within the Heritage Area;
14 or

15 (B) the authority of Indian Tribes to regu-
16 late members of Indian Tribes with respect to
17 fishing, hunting, and gathering in the exercise
18 of treaty rights; or

19 (8) creates any liability, or affects any liability
20 under any other law, of any private property owner
21 with respect to any person injured on the private
22 property.

1 **SEC. 8. EVALUATION AND REPORT.**

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

5 (1) conduct an evaluation of the accomplish-
6 ments of the Heritage Area; and

7 (2) prepare a report in accordance with sub-
8 section (c).

9 (b) EVALUATION.—An evaluation conducted under
10 subsection (a)(1) shall—

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

13 (A) accomplishing the purposes of the Her-
14 itage Area; and

15 (B) achieving the goals and objectives of
16 the approved management plan;

17 (2) analyze the investments of the Federal Gov-
18 ernment, State, Tribal, and local governments, and
19 private entities in the Heritage Area to determine
20 the impact of the investments; and

21 (3) review the management structure, partner-
22 ship relationships, and funding of the Heritage Area
23 for purposes of identifying the critical components
24 for sustainability of the Heritage Area.

25 (c) REPORT.—Based on the evaluation conducted
26 under subsection (a)(1), the Secretary shall submit to the

1 Committee on Energy and Natural Resources of the Sen-
2 ate and the Committee on Natural Resources of the House
3 of Representatives a report that includes recommendations
4 for the future role of the National Park Service, if any,
5 with respect to the Heritage Area.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There is authorized to be appro-
8 priated for the Heritage Area to carry out the purposes
9 of this Act \$10,000,000, of which not more than
10 \$1,000,000 may be made available in any fiscal year.

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

13 (c) COST-SHARING REQUIREMENT.—

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

17 (2) FORM.—The non-Federal share of the total
18 cost of any activity under this Act may be in the
19 form of in-kind contributions of goods or services
20 fairly valued.

21 (d) TERMINATION OF AUTHORITY.—The authority of
22 the Secretary to provide assistance under this Act termi-
23 nates on the date that is 15 years after the date of enact-
24 ment of this Act.

