

104TH CONGRESS
1ST SESSION

S. 1110

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

IN THE SENATE OF THE UNITED STATES

AUGUST 2 (legislative day, JULY 10), 1995

Mr. CAMPBELL introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To establish guidelines for 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 Act
5 of 1995”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

8 (1) certain areas of the United States represent
9 the diversity of the national character through the
10 interaction of natural processes, distinctive land-

1 scapes, cultural traditions, and economic and social
2 forces that have combined to create a particular pat-
3 tern of human settlement and activity;

4 (2) in these areas, natural, historic, or cultural
5 resources, or some combination thereof, combine to
6 form a cohesive, nationally distinctive landscape aris-
7 ing from patterns of human activity shaped by geog-
8 raphy;

9 (3) these areas represent the national experi-
10 ence through the physical features that remain and
11 the traditions that have evolved in the areas;

12 (4) continued use and adaptive reuses of the
13 natural and cultural fabric within these areas by
14 people whose traditions helped to shape the land-
15 scapes enhance the significance of the areas; and

16 (5) the complexity and character of these areas
17 distinguish them and call for a distinctive system of
18 recognition and management.

19 **SEC. 3. STATEMENT OF PURPOSE.**

20 The purposes of this Act are—

21 (1) to recognize that the natural, historic, sce-
22 nic, and cultural resources and recreational opportu-
23 nities of the United States represent and are impor-
24 tant to the great and diverse character of the Na-
25 tion, and that these resources and opportunities

1 must be wisely managed so they may be passed on
2 to future generations;

3 (2) to recognize that combinations of such re-
4 sources and opportunities, as they are geographically
5 assembled and thematically related, form areas that
6 provide unique frameworks for understanding the
7 historical, cultural, and natural development of com-
8 munities and their surroundings;

9 (3) to encourage appropriate partnerships
10 among Federal agencies, State and local govern-
11 ments, nonprofit organizations, and the private sec-
12 tor, or combinations thereof, to conserve and man-
13 age those resources and opportunities;

14 (4) to encourage within these areas a broad
15 range of economic opportunities which enhance the
16 quality of life for present and future generations;

17 (5) to authorize the Secretary of the Interior to
18 provide technical assistance and grants to State and
19 local governments and private nonprofit organiza-
20 tions, or combinations thereof, to study and promote
21 the potential for conserving and interpreting these
22 areas; and

23 (6) to prescribe the process by which areas may
24 be designated as National Heritage Areas and the

1 standards according to which areas may be assessed
2 for eligibility for such designation.

3 **SEC. 4. DEFINITIONS.**

4 For purposes of this Act:

5 (1) COMPACT.—The term “compact” means a
6 compact described in section 6(a)(2).

7 (2) FEASIBILITY STUDY.—The term “feasibility
8 study” means a study described in section 6(a)(1).

9 (3) INDIAN TRIBE.—The term “Indian tribe”
10 means any Indian tribe, band, nation, pueblo, or
11 other organized group or community, including any
12 Alaska Native village or regional corporation as de-
13 fined in or established pursuant to the Alaska Na-
14 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
15 which is recognized as eligible for the special pro-
16 grams and services provided by the United States to
17 Indians because of their status as Indians.

18 (4) PLAN.—The term “plan” means a plan de-
19 scribed in section 6(a)(3).

20 (5) NATIONAL HERITAGE AREA.—The term
21 “National Heritage Area” means a place designated
22 by the Congress where natural, cultural, historic,
23 and recreational resources combine to form a cohe-
24 sive, nationally distinctive landscape arising from
25 patterns of human activity shaped by geography.

1 These patterns make National Heritage Areas rep-
2 resentative of the national experience through the
3 physical features that remain and the traditions that
4 have evolved in the areas. Continued use of National
5 Heritage Areas by people whose traditions helped to
6 shape the landscapes enhances their significance.

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (7) TECHNICAL ASSISTANCE.—The term “tech-
10 nical assistance” includes, assistance to units of gov-
11 ernment and nonprofits in preparing plans, com-
12 pacts, resource inventories, and feasibility studies
13 and professional guidance provided by the Secretary.

14 (8) UNIT OF GOVERNMENT.—The term “unit of
15 government” means the government of a State or
16 Commonwealth, a political subdivision of a State or
17 Commonwealth, or an Indian tribe.

18 **SEC. 5. NATIONAL HERITAGE AREAS PARTNERSHIP PRO-**
19 **GRAM.**

20 (a) ESTABLISHMENT.—In order to promote nation-
21 ally distinctive natural, historic, scenic, and cultural re-
22 sources, and to provide opportunities for conservation,
23 education, and recreation through recognition of and as-
24 sistance to areas containing such resources, there is here-
25 by established within the Department of the Interior a Na-

1 tional Heritage Areas Partnership Program, which shall
2 assist the Secretary in carrying out this Act.

3 (b) GENERAL AUTHORITY OF SECRETARY.—In ac-
4 cordance with the purposes of this Act, the Secretary is
5 authorized—

6 (1) to evaluate, in accordance with the criteria
7 established in subsection (c), areas nominated under
8 this Act for designation as National Heritage Areas;

9 (2) to advise State and local governments, non-
10 profit organizations, and other appropriate entities
11 regarding suitable methods of recognizing and con-
12 serving thematically and geographically linked natu-
13 ral, historic, and cultural resources and recreational
14 opportunities; and

15 (3) to make grants to units of government and
16 nonprofit organizations for the purpose of preparing
17 feasibility studies, compacts, and management plans
18 in accordance with the purposes, criteria, conditions,
19 and requirements of the Act.

20 (c) CRITERIA.—To be eligible for designation as a
21 National Heritage Area, an area shall meet each of the
22 following criteria:

23 (1) ASSEMBLAGE OF RESOURCES.—The area
24 shall be an assemblage of natural, historic, cultural,
25 or recreational resources that—

1 (A) together represent distinctive aspects
2 of American heritage worthy of recognition,
3 conservation, interpretation, and continuing
4 use; and

5 (B) are best managed as such an assem-
6 blage, through partnerships among public and
7 private entities.

8 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
9 FOLKLIFE.—The area shall reflect traditions, cus-
10 toms, beliefs, or folklife, or some combination there-
11 of, that are a valuable part of the story of the Na-
12 tion.

13 (3) CONSERVATION OF NATURAL, CULTURAL,
14 HISTORIC, OR RECREATIONAL FEATURES.—The area
15 shall provide outstanding opportunities to conserve
16 natural, cultural, historic, or recreational features,
17 or some combination thereof.

18 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
19 TUNITIES.—The area shall provide outstanding rec-
20 reational and educational opportunities.

21 (5) THEMES AND INTEGRITY OF RESOURCES.—
22 The area shall have an identifiable theme or themes,
23 and resources important to the theme or themes
24 shall retain integrity capable of supporting interpre-
25 tation.

1 (6) SUPPORT.—Residents, nonprofit organiza-
2 tions, other private entities, and governments within
3 the proposed area shall demonstrate support for des-
4 ignation of the area and for management of the area
5 as appropriate for such designation.

6 (7) AGREEMENTS.—The principal organization
7 and units of government supporting the designation
8 shall be willing to commit to agreements to work in
9 partnership to implement the compact for the area.

10 (8) CONSISTENCY WITH ECONOMIC VIABIL-
11 ITY.—The compact shall be consistent with contin-
12 ued economic viability in the affected communities.

13 (9) CONSENT OF LOCAL GOVERNMENTS.—No
14 privately owned property shall be included within the
15 boundaries of the area unless the government of the
16 county, city, or town in which the property is located
17 agrees to be so included and submits notification of
18 such agreement to the Secretary.

19 (d) CONDITIONS FOR DESIGNATION.—An area may
20 be designated as a National Heritage Area only by an Act
21 of Congress. The Congress may designate an area as a
22 National Heritage Area only after each of the following
23 conditions is met:

24 (1) SUBMISSION OF STUDY, COMPACT, AND
25 STATEMENT OF APPROVAL TO SECRETARY.—An en-

1 tity requesting National Heritage Area designation
2 for the area submits to the Secretary—

3 (A) a feasibility study and compact; and

4 (B) a statement, from the Governor of
5 each State in which the proposed National Her-
6 itage Area lies, that such Governor approves of
7 the requested National Heritage Area designa-
8 tion.

9 (2) APPROVAL AND SUBMISSION BY SEC-
10 RETARY.—The Secretary approves, pursuant to sec-
11 tion 6(b), the compact referred to in paragraph (1)
12 and submits the feasibility study for the area and
13 the compact to the Congress together with any com-
14 ments that the Secretary deems appropriate regard-
15 ing a preferred action.

16 **SEC. 6. FEASIBILITY STUDIES, COMPACTS, AND MANAGE-**
17 **MENT PLANS.**

18 (a) CONTENTS AND REQUIREMENTS.—

19 (1) FEASIBILITY STUDIES.—Each feasibility
20 study submitted under this Act shall include suffi-
21 cient information to determine whether an area has
22 the potential to meet the criteria referred to in sec-
23 tion 5(c). Each such feasibility study shall be pre-
24 pared with public participation. Each such feasibility

1 study shall include, but need not be limited to, each
2 of the following:

3 (A) A description of the natural, historic,
4 and cultural resources and recreational opportu-
5 nities presented by the area, including an as-
6 sessment of the quality and degree of integrity
7 of, the availability of public access to, and the
8 themes represented by such resources and op-
9 portunities.

10 (B) An assessment of the interest of and
11 impact upon potential partners, units of govern-
12 ment, nonprofit organizations, and other private
13 entities, including property owners.

14 (C) A description of boundaries for a Na-
15 tional Heritage Area proposed to be established
16 in the area.

17 (D) Identification of a possible manage-
18 ment entity for a National Heritage Area pro-
19 posed to be established in the area.

20 (2) COMPACTS.—

21 (A) IN GENERAL.—A compact submitted
22 under this Act shall include information relat-
23 ing to the objectives and management of an
24 area proposed for designation as a National

1 Heritage Area. Such information shall include,
2 but not be limited to, each of the following:

3 (i) A delineation of the boundaries of
4 the proposed National Heritage Area.

5 (ii) A discussion of the goals and ob-
6 jectives of the proposed National Heritage
7 Area, including an explanation of the ap-
8 proach, proposed by the partners referred
9 to in clause (iv), to conservation and inter-
10 pretation of resources.

11 (iii) An identification and description
12 of the management entity that will admin-
13 ister the proposed National Heritage Area.

14 (iv) A list of the initial partners to be
15 involved in developing and implementing
16 the plan for the proposed National Herit-
17 age Area, and a statement of the financial
18 commitment of the partners.

19 (v) A description of the role of the
20 State or States in which the proposed Na-
21 tional Heritage Area is located.

22 (B) PREPARATION OF AND ACTIONS
23 CALLED FOR IN COMPACT.—

24 (i) PREPARATION.—The compact shall
25 be prepared with public participation.

1 (ii) ACTIONS.—Actions called for in
2 the compact shall be likely to be initiated
3 within a reasonable time after designation
4 of the proposed National Heritage Area
5 and shall ensure effective implementation
6 of the State and local aspects of the com-
7 pact.

8 (3) PLANS.—A plan submitted under this Act
9 for a National Heritage Area shall present com-
10 prehensive recommendations for the conservation,
11 funding, management, and development of the area.
12 The plan shall be prepared with public participation.
13 The plan shall take into consideration existing Fed-
14 eral, State, county, and local plans and involve resi-
15 dents, public agencies, and private organizations in
16 the area. The plan shall include a description of ac-
17 tions that units of government and private organiza-
18 tions are recommended to take to protect the re-
19 sources of the area. The plan shall specify existing
20 and potential sources of funding for the conserva-
21 tion, management, and development of the area. The
22 plan also shall include the following, as appropriate:

23 (A) An inventory of the resources con-
24 tained in the National Heritage Area, including
25 a list of property in the area that should be

1 conserved, restored, managed, developed, or
2 maintained because of the natural, cultural, or
3 historic significance of the property as it relates
4 to the themes of the area.

5 (B) A recommendation of policies for re-
6 source management that consider and detail the
7 application of appropriate land and water man-
8 agement techniques, including (but not limited
9 to) the development of intergovernmental coop-
10 erative agreements to manage the historical,
11 cultural, and natural resources and the rec-
12 reational opportunities of the area in a manner
13 consistent with the support of appropriate and
14 compatible economic viability.

15 (C) A program, including plans for res-
16 toration and construction, for implementation
17 of the management plan by the management
18 entity specified in the compact for the area and
19 specific commitments, for the first 5 years of
20 operation of the plan, by the partners identified
21 in the compact.

22 (D) An analysis of means by which Fed-
23 eral, State, and local programs may best be co-
24 ordinated to promote the purposes of this Act.

1 (E) An interpretive plan for the National
2 Heritage Area.

3 (b) APPROVAL AND DISAPPROVAL OF COMPACTS.—

4 (1) IN GENERAL.—The Secretary, in consulta-
5 tion with the Governors of each State in which the
6 relevant National Heritage Area, or proposed area,
7 is located, shall approve or disapprove every compact
8 submitted under this Act not later than 90 days
9 after receiving such compact.

10 (2) DISAPPROVAL AND REVISIONS.—If the Sec-
11 retary disapproves a compact submitted under this
12 Act, the Secretary shall advise the submitter, in
13 writing, of the reasons for the disapproval and shall
14 make recommendations for revisions of the compact.
15 The Secretary shall approve or disapprove a pro-
16 posed revision to such a compact within 90 days
17 after the date on which the revision is submitted to
18 the Secretary.

19 **SEC. 7. MANAGEMENT ENTITIES.**

20 (a) DUTIES OF MANAGEMENT ENTITY.—The man-
21 agement entity for a National Heritage Area shall do each
22 of the following:

23 (1) HERITAGE PLAN.—The management entity
24 shall develop and submit to the Secretary a plan not

1 later than 3 years after the date of the designation
2 of the area as a National Heritage Area.

3 (2) PRIORITIES.—The management entity shall
4 give priority to the implementation of actions, goals,
5 and policies set forth in the compact and manage-
6 ment plan for the area, including—

7 (A) assisting units of government, regional
8 planning organizations, and nonprofit organiza-
9 tions—

10 (i) in conserving the National Herit-
11 age Area;

12 (ii) in establishing and maintaining
13 interpretive exhibits in the area;

14 (iii) in developing recreational oppor-
15 tunities in the area;

16 (iv) in increasing public awareness of
17 and appreciation for the natural, historical,
18 and cultural resources of the area;

19 (v) in the restoration of historic build-
20 ings that are located within the boundaries
21 of the area and relate to the themes of the
22 area; and

23 (vi) in ensuring that clear, consistent,
24 and appropriate signs identifying access

1 points and sites of interest are put in place
2 throughout the area; and

3 (B) consistent with the goals of the plan,
4 encouraging economic viability in the affected
5 communities by appropriate means.

6 (3) CONSIDERATION OF INTERESTS OF LOCAL
7 GROUPS.—The management entity shall, in develop-
8 ing and implementing the plan for the area, consider
9 the interests of diverse units of government, busi-
10 nesses, private property owners, and nonprofit
11 groups within the geographic area.

12 (4) PUBLIC MEETINGS.—The management en-
13 tity shall conduct public meetings at least quarterly
14 regarding the implementation of the plan for the
15 area.

16 (b) DISQUALIFICATION FOR FEDERAL FUNDING.—If
17 a plan regarding a National Heritage Area is not submit-
18 ted to the Secretary as required under subsection (a)(1)
19 within the time specified in such subsection, the National
20 Heritage Area shall cease to be eligible for technical assist-
21 ance under this Act until such a plan regarding the Na-
22 tional Heritage Area is submitted to the Secretary.

23 (c) PROHIBITION OF ACQUISITION OF REAL PROP-
24 ERTY.—A management entity for a National Heritage

1 Area may not use Federal funds received under this Act
2 to acquire real property or any interest in real property.

3 (d) DURATION OF ELIGIBILITY FOR TECHNICAL AS-
4 SISTANCE.—A management entity for a National Heritage
5 Area shall be eligible to receive technical assistance from
6 funds appropriated pursuant to this Act for a 7-year pe-
7 riod beginning on the day on which the National Heritage
8 Area is designated.

9 **SEC. 8. WITHDRAWAL OF DESIGNATION.**

10 (a) IN GENERAL.—The National Heritage Area des-
11 ignation of an area shall continue unless—

12 (1) the Secretary determines that—

13 (A) the National Heritage Area no longer
14 meets the criteria referred to in section 5(c);

15 (B) the parties to the compact approved in
16 relation to the area under section 6(b) are not
17 in compliance with the term of the compact;

18 (C) the management entity of the area has
19 not made reasonable and appropriate progress
20 in developing or implementing the management
21 plan for the area; or

22 (D) the use, condition, or development of
23 the area is incompatible with the criteria re-
24 ferred to in section 5(c) or with the compact

1 approved in relation to the area under section
2 6(b); and

3 (2) after making a determination referred to in
4 paragraph (1), the Secretary submits to the Con-
5 gress notification that the National Heritage Area
6 designation of the area should be withdrawn.

7 (b) PUBLIC HEARING.—Before the Secretary makes
8 a determination referred to in subsection (a)(1) regarding
9 a National Heritage Area, the Secretary or a designee
10 shall hold a public hearing within the area.

11 (c) TIME OF WITHDRAWAL OF DESIGNATION.—

12 (1) IN GENERAL.—The withdrawal of the Na-
13 tional Heritage Area designation of an area shall be-
14 come final 90 legislative days after the Secretary
15 submits to the Congress the notification referred to
16 in subsection (a)(2) regarding the area.

17 (2) LEGISLATIVE DAY.—For purposes of this
18 subsection, the term “legislative day” means any
19 calendar day on which both Houses of the Congress
20 are in session.

21 **SEC. 9. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

22 (a) DUTIES AND AUTHORITIES OF SECRETARY.—

23 (1) TECHNICAL ASSISTANCE.—

24 (A) IN GENERAL.—The Secretary may
25 provide technical assistance and grants to units

1 of government and private nonprofit organiza-
2 tions regarding feasibility studies and compacts
3 and, upon request of the management entity for
4 the relevant National Heritage Area, regarding
5 management plans and their implementation.

6 (B) PROHIBITION OF CERTAIN REQUIRE-
7 MENTS.—The Secretary may not, as a condition
8 of the award of technical assistance under this
9 section, require any recipient of such technical
10 assistance to enact or modify land use restric-
11 tions.

12 (2) DETERMINATIONS REGARDING ASSIST-
13 ANCE.—The Secretary shall decide which National
14 Heritage Areas shall be awarded technical assistance
15 and grants and the amount of the assistance. Such
16 decisions shall be based on the relative degree to
17 which each National Heritage Area effectively fulfills
18 the objectives contained in the plan for the area and
19 achieves the purposes of this Act. Such decisions
20 shall give consideration to projects which provide a
21 greater leverage of Federal funds.

22 (3) OVERSIGHT OF HERITAGE AREAS WITH EX-
23 PIRED ELIGIBILITY.—The Secretary shall inves-
24 tigate, study, and monitor the welfare of all National
25 Heritage Areas whose eligibility for technical assist-

1 ance under this Act has expired and shall report to
2 the Congress periodically regarding the condition of
3 such National Heritage Areas.

4 (4) PROVISION OF INFORMATION.—In coopera-
5 tion with other Federal agencies, the Secretary shall
6 provide the general public with information regard-
7 ing the location and character of National Heritage
8 Areas.

9 (b) DUTIES OF OTHER FEDERAL AGENCIES.—Any
10 Federal entity conducting any activity directly affecting
11 any National Heritage Area shall consider the potential
12 effect of the activity on the plan for the area and shall
13 consult with the Governor of the State or Commonwealth
14 containing the area with respect to the activity to mini-
15 mize the adverse effects of the activity on the area.

16 **SEC. 10. LACK OF EFFECT ON LAND USE REGULATION.**

17 (a) LACK OF EFFECT ON AUTHORITY OF GOVERN-
18 MENTS.—Nothing in this Act shall be construed to modify,
19 enlarge, or diminish any authority of Federal, State, or
20 local governments to regulate any use of land as provided
21 for by law or regulation.

22 (b) LACK OF ZONING OR LAND USE POWERS OF EN-
23 TITY.—Nothing in this Act shall be construed to grant
24 powers of zoning or land use to any management entity
25 for a National Heritage Area.

1 **SEC. 11. FISHING AND HUNTING SAVINGS CLAUSE.**

2 (a) NO DIMINISHMENT OF STATE AUTHORITY.—The
3 designation of a National Heritage Area shall not diminish
4 the authority of the affected State or Commonwealth to
5 manage fish and wildlife, including the regulation of fish-
6 ing and hunting within such area.

7 (b) NO CONDITIONING OF APPROVAL AND ASSIST-
8 ANCE.—The Secretary may not make limitations on fish-
9 ing, hunting, or trapping a condition for the approval of
10 a compact or the determination of eligibility for technical
11 assistance under this Act, and neither the Secretary nor
12 any other Federal agency may make such limitations a
13 condition for the receipt, in connection with the National
14 Heritage Area status of an area, of any other form of as-
15 sistance from the Secretary or such agencies.

16 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There is hereby authorized to be
18 appropriated for technical assistance and grants pursuant
19 to section 9(a), and the administration of such assistance,
20 annually not more than \$8,000,000, to remain available
21 until expended.

22 (b) PERCENT OF COST.—Technical assistance and
23 grants under this Act for a feasibility study, compact, or
24 management plan may not exceed 75 percent of the cost
25 for such study, compact, or plan.

1 (c) LIMITATION ON TOTAL FUNDING FOR EACH
2 AREA.—Not more than a total of \$1,000,000 may be
3 made available under this section to each National Herit-
4 age Area.

5 (d) LIMITATION ON ANNUAL FUNDING.—The
6 amount of Federal funding made available under this sec-
7 tion for a National Heritage Area for a fiscal year may
8 not exceed \$150,000.

9 **SEC. 13. EXPIRATION OF AUTHORITIES.**

10 The authorities contained in this Act shall expire on
11 September 30 of the fifteenth fiscal year beginning after
12 the date of the enactment of this Act.

13 **SEC. 14. REPORT.**

14 The Secretary shall submit to the Congress, every 5
15 years while the authorities contained in this Act remain
16 in force, a report on the status and accomplishments of
17 the National Heritage Areas Partnership Program as a
18 whole.

19 **SEC. 15. SAVINGS PROVISION.**

20 Nothing in this Act shall be construed to expand or
21 diminish any authorities contained in any law that des-
22 ignates an individual National Heritage Area or Corridor
23 before the date of the enactment of this Act.

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