

117TH CONGRESS
1ST SESSION

H. R. 1316

To authorize a National Heritage Area Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2021

Mr. TONKO (for himself and Mr. MCKINLEY) introduced the following bill;
which was referred to the Committee on Natural Resources

A BILL

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Heritage Area Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

11 (2) INDIAN TRIBE.—The term “Indian Tribe”
12 means any Indian or Alaska Native tribe, band, na-
13 tion, pueblo, village, or other community the name
14 of which is included on the list most recently pub-
15 lished by the Secretary of the Interior pursuant to
16 section 104 of the Federally Recognized Indian
17 Tribe List Act of 1994 (25 U.S.C. 5131).

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

21 (A) carry out, in partnership with other in-
22 dividuals and entities, the management plan for
23 a National Heritage Area; and

1 (B) operate a National Heritage Area, in-
2 cluding through the implementation of projects
3 and programs among diverse partners in a Na-
4 tional Heritage Area.

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

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

10 (A) each National Heritage Area, National
11 Heritage Corridor, Natural Preservation Com-
12 mission, National Heritage Canalway, National
13 Heritage Route, Heritage Corridor, Cultural
14 Heritage Corridor, Heritage Partnership, and
15 National Heritage Partnership, the Shenandoah
16 Valley Battlefields National Historic District,
17 or other area designated by Federal statute
18 with the explicit purpose of establishing a na-
19 tional heritage area designated by Congress be-
20 fore or on the date of enactment of this Act;
21 and

22 (B) each National Heritage Area des-
23 ignated by Federal statute after the date of en-
24 actment of this Act, unless the law designating
25 the area exempts that area from the National

1 Heritage Area System by specific reference to
2 this Act.

3 (6) NATIONAL HERITAGE AREA SYSTEM.—The
4 term “National Heritage Area System” means the
5 system of National Heritage Areas established by
6 this Act.

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

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

12 (9) TRIBAL GOVERNMENT.—The term “Tribal
13 government” means the governing body of an Indian
14 Tribe.

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

16 (a) IN GENERAL.—In order to recognize certain
17 areas of the United States that tell nationally significant
18 stories and to conserve, enhance, and interpret the areas’
19 natural, historic, scenic, and cultural resources that to-
20 gether illustrate significant aspects of our country’s herit-
21 age, there is established a National Heritage Area System
22 through which the Secretary may provide technical and
23 financial assistance to local coordinating entities to sup-
24 port the establishment, development, and continuity of
25 National Heritage Areas.

1 (b) NATIONAL HERITAGE AREA SYSTEM.—The Na-
2 tional Heritage Area System shall be composed of all Na-
3 tional Heritage Areas.

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

6 (1) RELATIONSHIP TO NATIONAL PARK
7 UNITS.—The Secretary shall encourage participation
8 and assistance by any unit of the National Park
9 System located near or encompassed by any Na-
10 tional Heritage Area in local initiatives for that Na-
11 tional Heritage Area that conserve and interpret re-
12 sources consistent with an approved management
13 plan for the National Heritage Area.

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

16 (A) considered to be units of the National
17 Park System; or

18 (B) subject to the authorities applicable to
19 units of the National Park System.

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

21 (a) MANAGEMENT PLAN.—

22 (1) IN GENERAL.—Not later than 3 years after
23 a National Heritage Area is included in the National
24 Heritage Area System outlined by this Act, the local
25 coordinating entity of the National Heritage Area

1 shall submit to the Secretary for approval a manage-
2 ment plan for the National Heritage Area.

3 (2) REQUIREMENTS.—The management plan
4 shall—

5 (A) incorporate an integrated and coopera-
6 tive approach for the protection, enhancement,
7 and interpretation of the natural, cultural, his-
8 toric, scenic, and recreational resources of the
9 National Heritage Area;

10 (B) be developed using a comprehensive
11 planning approach that includes—

12 (i) opportunities for stakeholders, in-
13 cluding community members, local and re-
14 gional governments, Tribal governments,
15 businesses, nonprofit organizations, and
16 other interested parties—

17 (I) to be involved in the planning
18 process; and

19 (II) to review and comment on
20 draft management plans; and

21 (ii) documentation of the planning
22 and public participation processes, includ-
23 ing a description of—

24 (I) the means by which the man-
25 agement plan was prepared;

1 (II) the stakeholders involved in
2 the process; and

3 (III) the timing and method of
4 stakeholder involvement;

5 (C) include—

6 (i) an inventory of—

7 (I) the resources located in the
8 National Heritage Area; and

9 (II) any other property in the
10 National Heritage Area that—

11 (aa) is related to the themes
12 of the National Heritage Area;
13 and

14 (bb) should be preserved, re-
15 stored, managed, or maintained
16 because of the significance of the
17 property;

18 (ii) comprehensive policies, strategies
19 and recommendations for the conservation,
20 funding, management, and development of
21 the National Heritage Area;

22 (iii) a description of actions that the
23 Federal, Tribal, State, and local govern-
24 ments, private organizations, and individ-
25 uals have agreed to take to protect the

1 natural, historical, cultural, scenic, and
2 recreational resources of the National Her-
3 itage Area;

4 (iv) a program of implementation for
5 the management plan by the local coordi-
6 nating entity that includes a description
7 of—

8 (I) actions to facilitate ongoing
9 collaboration among partners to pro-
10 mote plans for resource protection,
11 restoration, and construction; and

12 (II) specific commitments for im-
13 plementation that have been made by
14 the local coordinating entity or any
15 government, organization, or indi-
16 vidual for the first 5 years of oper-
17 ation;

18 (v) the identification of sources of
19 funding for carrying out the management
20 plan;

21 (vi) analysis and recommendations for
22 means by which Federal, Tribal, State,
23 and local programs, including the role of
24 the National Park Service in the National

1 Heritage Area, may best be coordinated to
2 carry out this subsection; and

3 (vii) an interpretive plan for the Na-
4 tional Heritage Area; and

5 (D) recommend policies and strategies for
6 resource management that consider and detail
7 the application of appropriate land and water
8 management techniques, including the develop-
9 ment of intergovernmental and interagency co-
10 operative agreements to protect the natural,
11 historical, cultural, educational, scenic, and rec-
12 reational resources of the National Heritage
13 Area.

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

17 (b) EVALUATIONS.—

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

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

23 (B) prepare and submit a report detailing
24 the evaluation required by subparagraph (A)
25 to—

1 (i) the Committee on Natural Re-
2 sources of the House of Representatives;
3 and

4 (ii) the Committee on Energy and
5 Natural Resources of the Senate.

6 (2) EVALUATION COMPONENTS.—An evaluation
7 prepared under paragraph (1) shall—

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

10 (i) accomplishing the purposes of the
11 authorizing legislation for the National
12 Heritage Area; and

13 (ii) achieving the goals and objectives
14 of the approved management plan for the
15 National Heritage Area;

16 (B) analyze the Federal, Tribal, State,
17 local, and private investments in the National
18 Heritage Area to assess the impact of the in-
19 vestments; and

20 (C) review the management structure,
21 partnership relationships, and funding of the
22 National Heritage Area.

23 (3) RESULTS OF EVALUATION.—Based upon
24 the evaluation under paragraph (1), the Secretary
25 shall prepare a report with recommendations for the

1 National Park Service’s continued role, if any, with
2 respect to the National Heritage Area. If the report
3 recommends that Federal funding for the National
4 Heritage Area be—

5 (A) continued, the report shall include an
6 analysis of—

7 (i) ways in which Federal funding for
8 the National Heritage Area may be re-
9 duced or eliminated over time;

10 (ii) the appropriate time period nec-
11 essary to achieve the recommended reduc-
12 tion or elimination; and

13 (iii) justification for the continued
14 funding in light of other National Park
15 Service core responsibilities and priorities;
16 or

17 (B) eliminated, the report shall include a
18 description of potential impacts on conserva-
19 tion, interpretation, and sustainability of the
20 National Heritage Area.

21 (4) UPDATES; ADDITIONAL EVALUATIONS.—

22 (A) UPDATES.—The Secretary may satisfy
23 the requirement under paragraph (1) for a Na-
24 tional Heritage Area by updating an evaluation
25 that was completed for that National Heritage

1 Area not more than 5 years before another
2 evaluation would otherwise be required under
3 paragraph (1).

4 (B) ADDITIONAL EVALUATIONS.—The Sec-
5 retary may conduct additional evaluations as
6 the Secretary deems appropriate.

7 (c) COORDINATION.—The head of any Federal agen-
8 cy planning to conduct activities that may have an impact
9 on a designated National Heritage Area is encouraged to
10 consult and coordinate these activities with the Secretary
11 and the local coordinating entity to the maximum extent
12 practicable.

13 **SEC. 5. STUDY AREAS.**

14 (a) FEASIBILITY STUDIES.—

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

20 (2) PREPARATION.—The feasibility study shall
21 be carried out—

22 (A) by the Secretary in consultation with
23 Tribal, State, and local historic preservation of-
24 ficers, State and local historical societies, State

1 and local tourism offices, and other appropriate
2 organizations and governmental agencies; or

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

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

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

14 (A) has an assemblage of natural, historic,
15 and cultural resources that—

16 (i) represent distinct aspects of the
17 heritage of the United States;

18 (ii) are worthy of recognition, con-
19 servation, interpretation, and continuing
20 use; and

21 (iii) would be best managed—

22 (I) through partnerships among
23 public and private entities; and

24 (II) by linking diverse and some-
25 times noncontiguous resources;

1 (B) reflects traditions, customs, beliefs,
2 and folklife that are a valuable part of the story
3 of the United States;

4 (C) provides outstanding opportunities—

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

7 (ii) for recreation and education;

8 (D) contains resources that—

9 (i) are important to any identified
10 themes of the study area; and

11 (ii) retain a degree of integrity capa-
12 ble of supporting interpretation;

13 (E) includes Tribal governments, residents,
14 business interests, nonprofit organizations, and
15 State and local governments that—

16 (i) are involved in the planning of the
17 study area;

18 (ii) have developed a conceptual finan-
19 cial plan that outlines the roles of all par-
20 ticipants in the study area, including the
21 Federal Government; and

22 (iii) have demonstrated support for
23 the designation of the study area;

24 (F) has a potential local coordinating enti-
25 ty to work in partnership with the individuals

1 and entities described in paragraph (1) to de-
2 velop the study area while encouraging State
3 and local economic activity; and

4 (G) has a conceptual boundary map that is
5 supported by the public.

6 (b) REPORT.—

7 (1) IN GENERAL.—For each study carried out
8 under subsection (a), the Secretary shall submit to
9 the Committee on Natural Resources of the House
10 of Representatives and the Committee on Energy
11 and Natural Resources of the Senate a report that
12 describes—

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

15 (B) any conclusions and recommendations
16 of the Secretary.

17 (2) TIMING.—

18 (A) With respect to a study carried out by
19 the Secretary in accordance with paragraph
20 (2)(A)(i), the Secretary shall submit a report
21 under subparagraph (A) not later than 3 years
22 after the date on which funds are first made
23 available to carry out the study.

24 (B) With respect to a study carried out by
25 interested individuals or entities in accordance

1 with paragraph (2)(A)(ii), the Secretary shall
2 submit a report under subparagraph (A) not
3 later than 180 days after the date on which the
4 Secretary certifies under paragraph (2)(B) that
5 the study meets the requirements of paragraph
6 (3).

7 **SEC. 6. LOCAL COORDINATING ENTITIES.**

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

12 (1) submit to the Secretary an annual report
13 that describes the activities, expenses, and income of
14 the local coordinating entity (including grants to any
15 other entities during the year that the report is
16 made);

17 (2) make available to the Secretary for audit all
18 records relating to the expenditure of Federal funds
19 and any matching funds; and

20 (3) require, with respect to all agreements au-
21 thORIZING expenditure of Federal funds by other or-
22 ganizations, that the organizations receiving the
23 funds make available to the Secretary for audit all
24 records concerning the expenditure of the funds.

1 (b) AUTHORITIES.—The local coordinating entity
2 may, subject to the prior approval of the Secretary, for
3 the purposes of preparing and implementing the approved
4 management plan for the National Heritage Area, use
5 Federal funds made available through this Act to—

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

9 (2) enter into cooperative agreements with or
10 provide technical assistance to the Indian Tribes,
11 State, a local government, nonprofit organizations,
12 Federal agencies, and other interested parties;

13 (3) hire and compensate staff, which may in-
14 clude individuals with expertise in natural, cultural,
15 and historic resources conservation; economic and
16 community development; and heritage planning;

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

19 (5) contract for goods or services; and

20 (6) support activities of partners and any other
21 activities that further the purposes of the National
22 Heritage Area and are consistent with the approved
23 management plan.

24 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
25 PROPERTY.—The local coordinating entity may not use

1 Federal funds received under this Act to acquire real prop-
2 erty or any interest in real property.

3 (d) HERITAGE AREA COMMISSIONS.—

4 (1) Section 804(j) of division B of H.R. 5666
5 (Appendix D) as enacted into law by section 1(a)(4)
6 of Public Law 106–554 (54 U.S.C. 320101 note;
7 114 Stat. 2763, 2763A–295; 123 Stat. 1294; 128
8 Stat. 3802) is amended by striking “shall termi-
9 nate” and all that follows through the period and in-
10 sserting “shall terminate on September 30, 2034.”.

11 (2) Section 295D(d) of Public Law 109–338
12 (120 Stat. 1833; 130 Stat. 962) is amended by
13 striking “shall terminate” and all that follows
14 through the period and inserting “shall terminate on
15 September 30, 2034.”.

16 **SEC. 7. PROPERTY OWNERS AND REGULATORY PROTEC-**
17 **TIONS.**

18 Nothing in this Act shall be construed to—

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

24 (2) require any property owner to permit public
25 access (including Federal, Tribal, State, or local gov-

1 ernment access) to such property or to modify any
2 provisions of Federal, Tribal, State, or local law with
3 regard to public access or use of private lands;

4 (3) alter any duly adopted land use regulation
5 or any approved land use plan or any other regu-
6 latory authority of any Federal, Tribal, or State, or
7 local government, or to convey any land use or other
8 regulatory authority to any local coordinating entity;

9 (4) authorize or imply the reservation or appro-
10 priation of water or water rights;

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

14 (6) create any liability, or have any effect on
15 any liability under any other law, of any private
16 property owner with respect to any persons injured
17 on such private property;

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

21 (8) modify any law or regulation authorizing
22 Federal officials to manage Federal land under their
23 control or limit the discretion of Federal land man-
24 agers to implement approved land use plans within
25 the boundaries of a National Heritage Area, nor

1 shall this Act be construed to modify, alter, or
2 amend any authorized uses of these Federal lands;
3 or

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

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, for each of fiscal years 2022 through 2037,
9 there is authorized to be appropriated not more than
10 \$750,000 for each National Heritage Area.

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

13 (c) COST-SHARING REQUIREMENT.—

14 (1) FEDERAL SHARE.—Notwithstanding any
15 other provision of law, including any law designating
16 a National Heritage Area, the Federal share of the
17 total cost of any activity funded with appropriations
18 authorized by subsection (a) shall not be more than
19 50 percent.

20 (2) FORM OF NON-FEDERAL SHARE.—The non-
21 Federal share of the total cost of any activity funded
22 with appropriations authorized by subsection (a)
23 may be in the form of in-kind contributions of goods
24 or services fairly valued.

1 (3) EXCEPTION.—Notwithstanding section 9(b),
2 for each National Heritage Area established before
3 the date of the enactment of this Act without a non-
4 Federal cost share requirement or with a non-Fed-
5 eral cost share requirement of less than 50 per-
6 cent—

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

11 (B) after the period referred to in subpara-
12 graph (A), the non-Federal cost share require-
13 ment shall increase by 10 percent annually until
14 the non-Federal share is consistent with para-
15 graph (1).

16 (d) AUTHORITY TO PROVIDE ASSISTANCE.—Not-
17 withstanding any other provision of law, the Secretary
18 may provide assistance to a National Heritage Area dur-
19 ing any fiscal year for which appropriations are authorized
20 under subsection (a).

21 **SEC. 9. STATUTORY CLARIFICATION.**

22 (a) AUTHORIZATION LIMITATIONS.—Any provision of
23 law enacted before the date of the enactment of this Act
24 that provides for a termination, expiration, or other time

1 limitation on the authorization for a National Heritage
2 Area is hereby superceded and shall have no effect.

3 (b) FUNDING LIMITATIONS.—Any provision of law
4 enacted before the date of the enactment of this Act that
5 provides for a termination, expiration, or other limitation
6 on the time or amount of an authorization of appropria-
7 tions for a National Heritage Area is hereby superceded
8 and shall have no effect.

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

14 (d) OTHER AUTHORITIES.—Any provision of law en-
15 acted before the date of the enactment of this Act that
16 provides for the establishment, management, administra-
17 tion, operation, or otherwise affects a National Heritage
18 Area and is not explicitly otherwise provided for in this
19 Act shall not be affected by this Act.

○