

117TH CONGRESS  
1ST SESSION

# S. 1942

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

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## IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Ms. STABENOW (for herself, Mr. BLUNT, Mr. BLUMENTHAL, Mrs. CAPITO, Mr. MARKEY, Mr. WICKER, Ms. CORTEZ MASTO, Mr. HEINRICH, Mr. BOOKER, Mr. MURPHY, Ms. WARREN, Ms. DUCKWORTH, Mr. PETERS, Mr. SANDERS, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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:

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

4           (A) to carry out, in partnership with other  
5 individuals and entities, the management plan  
6 for a National Heritage Area; and

7           (B) to operate the National Heritage Area,  
8 including through the implementation of  
9 projects and programs among diverse partners  
10 in the National Heritage Area.

11          (2) NATIONAL HERITAGE AREA.—The term  
12 “National Heritage Area” means a component of the  
13 National Heritage Area System described in section  
14 3(b).

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

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

22          (5) SECRETARY.—The term “Secretary” means  
23 the Secretary of the Interior.

24          (6) TRIBAL GOVERNMENT.—The term “Tribal  
25 government” means the governing body of an Indian

1 Tribe included on the most recent list published by  
2 the Secretary pursuant to section 104 of the Feder-  
3 ally Recognized Indian Tribe List Act of 1994 (25  
4 U.S.C. 5131).

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

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

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

19 (1) each National Heritage Area, National Her-  
20 itage Corridor, National Heritage Canalway, Cul-  
21 tural Heritage Corridor, and National Heritage  
22 Partnership designated by Congress before or on the  
23 date of enactment of this Act; and

24 (2) each National Heritage Area designated by  
25 Congress after the date of enactment of this Act,

1 unless the law designating the area exempts that  
2 area from the National Heritage Area System by  
3 specific reference to this Act.

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

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

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

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

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

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

1 (B) subject to the authorities applicable to  
2 units of the National Park System.

3 (d) DUTIES.—Under the National Heritage Area  
4 System, the Secretary shall—

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

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

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

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

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

23 (3) use amounts made available under section 7  
24 to provide technical and financial assistance, on a

1 reimbursable or nonreimbursable basis, as deter-  
2 mined by the Secretary, for—

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

6 (B) the administration of National Herit-  
7 age Areas;

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

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

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

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

22 (a) STUDIES.—

23 (1) IN GENERAL.—Subject to the availability of  
24 appropriations, the Secretary may carry out or re-  
25 view a study to assess the suitability and feasibility

1 of each proposed National Heritage Area for des-  
2 ignation as a National Heritage Area.

3 (2) PREPARATION.—

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

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

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

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

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

- 1 (A) has an assemblage of natural, historic,  
2 and cultural resources that—
- 3 (i) represent distinctive aspects of the  
4 heritage of the United States;
- 5 (ii) are worthy of recognition, con-  
6 servation, interpretation, and continuing  
7 use; and
- 8 (iii) would be best managed—
- 9 (I) through partnerships among  
10 public and private entities; and
- 11 (II) by linking diverse and some-  
12 times noncontiguous resources and ac-  
13 tive communities;
- 14 (B) reflects traditions, customs, beliefs,  
15 and folklife that are a valuable part of the story  
16 of the United States;
- 17 (C) provides outstanding opportunities—
- 18 (i) to conserve natural, historic, cul-  
19 tural, or scenic features; and
- 20 (ii) for recreation and education;
- 21 (D) contains resources that—
- 22 (i) are important to any identified  
23 themes of the proposed National Heritage  
24 Area; and



1 (ii) retain a degree of integrity capa-  
2 ble of supporting interpretation;

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

6 (i) are involved in the planning of the  
7 proposed National Heritage Area;

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

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

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

22 (G) has a conceptual boundary map that is  
23 supported by the public.

24 (4) REPORT.—

1 (A) IN GENERAL.—For each study carried  
2 out under paragraph (1), the Secretary shall  
3 submit to the Committee on Energy and Nat-  
4 ural Resources of the Senate and the Com-  
5 mittee on Natural Resources of the House of  
6 Representatives a report that describes—

7 (i) the findings of the study; and

8 (ii) any conclusions and recommenda-  
9 tions of the Secretary.

10 (B) TIMING.—

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

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

1 Secretary certifies under paragraph (2)(B)  
2 that the study meets the requirements of  
3 paragraph (3).

4 (b) DESIGNATION.—

5 (1) IN GENERAL.—An area shall be designated  
6 as a National Heritage Area only by an Act of Con-  
7 gress.

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

12 (A) as a National Heritage Area the pro-  
13 posed National Heritage Area that is the sub-  
14 ject of the relevant feasibility study; and

15 (B) a local coordinating entity to operate  
16 the National Heritage Area.

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

25 (c) MANAGEMENT PLAN.—

1           (1) IN GENERAL.—The applicable local coordi-  
2           nating entity shall develop a management plan for a  
3           National Heritage Area in accordance with para-  
4           graph (2).

5           (2) REQUIREMENTS.—The management plan  
6           for a National Heritage Area shall—

7                   (A) be developed using a comprehensive  
8                   planning approach that includes—

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

14                                   (I) to be involved in the planning  
15                                   process; and

16                                   (II) to review and comment on  
17                                   the draft plan; and

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

21                                   (I) the means by which the man-  
22                                   agement plan was prepared;

23                                   (II) the stakeholders involved in  
24                                   the process; and

1 (III) the timing and method of  
2 stakeholder involvement;

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

9 (C) identify comprehensive goals, strate-  
10 gies, policies, and recommendations for—

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

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

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

1 (E) describe a strategy by which the local  
2 coordinating entity will achieve financial sus-  
3 tainability;

4 (F) include an implementation program  
5 that identifies, with respect to the National  
6 Heritage Area—

7 (i) prioritized actions and criteria for  
8 selecting future projects;

9 (ii) existing and potential sources of  
10 funding;

11 (iii) performance goals;

12 (iv) the means by which stakeholders  
13 will be involved; and

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

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

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

1           (3) APPLICABILITY.—The requirements de-  
2           scribed in paragraph (2) shall not apply to any man-  
3           agement plan or other similar plan in effect on the  
4           date of enactment of this Act with respect to a Na-  
5           tional Heritage Area described in section 3(b)(1).

6 **SEC. 5. EVALUATION.**

7           (a) IN GENERAL.—At reasonable and appropriate in-  
8           tervals, as determined by the Secretary, the Secretary  
9           may—

10           (1) conduct an evaluation of the accomplish-  
11           ments of a National Heritage Area in accordance  
12           with subsection (b); and

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

20           (b) COMPONENTS.—An evaluation under subsection  
21           (a)(1) shall—

22           (1) assess the progress of the applicable local  
23           coordinating entity of a National Heritage Area with  
24           respect to—

1 (A) accomplishing the purposes of the ap-  
2 plicable National Heritage Area; and

3 (B) achieving the goals and objectives of  
4 the management plan;

5 (2) analyze Federal, State, local, Tribal govern-  
6 ment, and private investments in the National Herit-  
7 age Area to determine the leverage and impact of  
8 the investments; and

9 (3) review the management structure, partner-  
10 ship relationships, and funding of the National Her-  
11 itage Area for purposes of identifying the critical  
12 components for sustainability of the National Herit-  
13 age Area.

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

16 (1) if the report contains a recommendation of  
17 the Secretary that Federal funding for the applicable  
18 National Heritage Area should be continued, an  
19 analysis of—

20 (A) any means by which that Federal  
21 funding may be reduced or eliminated over  
22 time; and

23 (B) the appropriate time period necessary  
24 to achieve the recommended reduction or elimi-  
25 nation of Federal funding; or



1           (2) if the report contains a recommendation of  
2           the Secretary that Federal funding for the applicable  
3           National Heritage Area should be eliminated, a de-  
4           scription of potential impacts on conservation, inter-  
5           pretation, and sustainability in the applicable Na-  
6           tional Heritage Area.

7           (d) CONFORMING AMENDMENT.—Section 3052(a) of  
8           Public Law 113–291 (54 U.S.C. 320101 note) is amended  
9           by striking paragraph (2).

10 **SEC. 6. PROPERTY OWNERS AND REGULATORY PROTEC-**  
11 **TIONS.**

12           Nothing in this Act—

13           (1) abridges any right of a public or private  
14           property owner, including the right to refrain from  
15           participating in any plan, project, program, or activ-  
16           ity conducted within a National Heritage Area;

17           (2) requires any property owner to permit pub-  
18           lic access (including Federal, State, Tribal govern-  
19           ment, or local government access) to a property;

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

23           (4)(A) alters any applicable land use regulation,  
24           land use plan, or other regulatory authority of any

1 Federal, State, or local agency or Tribal govern-  
2 ment; or

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

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

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

11 (7) creates or affects any liability—

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

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

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

20 (b) **COST-SHARING REQUIREMENT.**—

21 (1) **FEDERAL SHARE.**—Except as otherwise  
22 provided in applicable law, including any law desig-  
23 nating a National Heritage Area, the Federal share  
24 of the total cost of any activity funded with appro-

1        appropriations authorized by subsection (a) shall be not  
2        more than 50 percent.

3            (2) FORM OF NON-FEDERAL SHARE.—The non-  
4        Federal share of the total cost of any activity funded  
5        with appropriations authorized by subsection (a)  
6        may be in the form of in-kind contributions of goods  
7        or services fairly valued.

8            (c) AUTHORITY TO PROVIDE ASSISTANCE.—Not-  
9        withstanding any other provision of law, the Secretary  
10       may provide assistance to a National Heritage Area dur-  
11       ing any fiscal year for which appropriations are authorized  
12       under subsection (a).

○