

108TH CONGRESS
2D SESSION

S. 2543

To establish a program and criteria for National Heritage Areas in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2004

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

A BILL

To establish a program and criteria for National Heritage Areas in the United States, 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 Partnership Act”.

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 Areas program.
- Sec. 4. Suitability-feasibility studies.
- Sec. 5. Management plans.
- Sec. 6. Local coordinating entities.

Sec. 7. Relationship to other Federal agencies.

Sec. 8. Private property and regulatory protections.

Sec. 9. Authorization of appropriations.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) to develop, in partnership with others,
7 the management plan for a National Heritage
8 Area; and

9 (B) to act as a catalyst for the implemen-
10 tation of projects and programs among diverse
11 partners in the National Heritage Area.

12 (2) MANAGEMENT PLAN.—The term “manage-
13 ment plan” means the plan prepared by the local co-
14 ordinating entity for a National Heritage Area des-
15 ignated by Congress that specifies actions, policies,
16 strategies, performance goals, and recommendations
17 to meet the goals of the National Heritage Area, in
18 accordance with section 5.

19 (3) NATIONAL HERITAGE AREA.—The term
20 “National Heritage Area” means an area designated
21 by Congress that is nationally significant to the her-
22 itage of the United States and meets the criteria es-
23 tablished under section 4(a).

1 (4) NATIONAL SIGNIFICANCE.—The term “na-
2 tional significance” means possession of—

3 (A) unique natural, historical, cultural,
4 educational, scenic, or recreational resources of
5 exceptional value or quality; and

6 (B) a high degree of integrity of location,
7 setting, or association in illustrating or inter-
8 preting the heritage of the United States.

9 (5) PROGRAM.—The term “program” means
10 the National Heritage Areas program established
11 under section 3(a).

12 (6) PROPOSED NATIONAL HERITAGE AREA.—
13 The term “proposed National Heritage Area” means
14 an area under study by the Secretary or other par-
15 ties for potential designation by Congress as a Na-
16 tional Heritage Area.

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

19 (8) SUITABILITY-FEASIBILITY STUDY.—The
20 term “suitability-feasibility study” means a study
21 conducted by the Secretary, or conducted by 1 or
22 more other interested parties and reviewed by the
23 Secretary, in accordance with the criteria and proc-
24 esses established under section 4, to determine

1 whether an area meets the criteria to be designated
2 as a National Heritage Area by Congress.

3 **SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.**

4 (a) IN GENERAL.—Subject to the availability of
5 funds, the Secretary shall establish a National Heritage
6 Areas program under which the Secretary shall provide
7 technical and financial assistance to local coordinating en-
8 tities to support the establishment of National Heritage
9 Areas.

10 (b) DUTIES.—Under the program, the Secretary
11 shall—

12 (1)(A) conduct suitability-feasibility studies, as
13 directed by Congress, to assess the suitability and
14 feasibility of designating proposed National Heritage
15 Areas; or

16 (B) review and comment on suitability-feasi-
17 bility studies undertaken by other parties to make
18 such assessment;

19 (2) provide technical assistance, on a reimburs-
20 able or non-reimbursable basis (as determined by the
21 Secretary), for the development and implementation
22 of management plans for designated National Herit-
23 age Areas;

24 (3) enter into cooperative agreements with in-
25 terested parties to carry out this Act;

1 (4) provide information, promote under-
2 standing, and encourage research on National Herit-
3 age Areas in partnership with local coordinating en-
4 tities;

5 (5) provide national oversight, analysis, coordi-
6 nation, and technical assistance and support to en-
7 sure consistency and accountability under the pro-
8 gram; and

9 (6) submit annually to the Committee on Re-
10 sources of the House of Representatives and the
11 Committee on Energy and Natural Resources of the
12 Senate a report describing the allocation and ex-
13 penditure of funds for activities conducted with re-
14 spect to National Heritage Areas under this Act.

15 **SEC. 4. SUITABILITY-FEASIBILITY STUDIES.**

16 (a) CRITERIA.—In conducting or reviewing a suit-
17 ability-feasibility study, the Secretary shall apply the fol-
18 lowing criteria to determine the suitability and feasibility
19 of designating a proposed National Heritage Area:

20 (1) An area—

21 (A) has an assemblage of natural, historic,
22 cultural, educational, scenic, or recreational re-
23 sources that together are nationally significant
24 to the heritage of the United States;

1 (B) represents distinctive aspects of the
2 heritage of the United States worthy of recogni-
3 tion, conservation, interpretation, and con-
4 tinuing use;

5 (C) is best managed as such an assemblage
6 through partnerships among public and private
7 entities at the local or regional level;

8 (D) reflects traditions, customs, beliefs,
9 and folklife that are a valuable part of the her-
10 itage of the United States;

11 (E) provides outstanding opportunities to
12 conserve natural, historical, cultural, or scenic
13 features;

14 (F) provides outstanding recreational or
15 educational opportunities; and

16 (G) has resources and traditional uses that
17 have national significance.

18 (2) Residents, business interests, nonprofit or-
19 ganizations, and governments (including relevant
20 Federal land management agencies) within the pro-
21 posed area are involved in the planning and have
22 demonstrated significant support through letters and
23 other means for National Heritage Area designation
24 and management.

1 (3) The local coordinating entity responsible for
2 preparing and implementing the management plan is
3 identified.

4 (4) The proposed local coordinating entity and
5 units of government supporting the designation are
6 willing and have documented a significant commit-
7 ment to work in partnership to protect, enhance, in-
8 terpret, fund, manage, and develop resources within
9 the National Heritage Area.

10 (5) The proposed local coordinating entity has
11 developed a conceptual financial plan that outlines
12 the roles of all participants (including the Federal
13 Government) in the management of the National
14 Heritage Area.

15 (6) The proposal is consistent with continued
16 economic activity within the area.

17 (7) A conceptual boundary map has been devel-
18 oped and is supported by the public and partici-
19 pating Federal agencies.

20 (b) CONSULTATION.—In conducting or reviewing a
21 suitability-feasibility study, the Secretary shall consult
22 with the managers of any Federal land within the pro-
23 posed National Heritage Area and secure the concurrence
24 of the managers with the findings of the suitability-feasi-

1 bility study before making a determination for designa-
2 tion.

3 (c) TRANSMITTAL.—On completion or receipt of a
4 suitability-feasibility study for a National Heritage Area,
5 the Secretary shall—

6 (1) review, comment, and make findings (in ac-
7 cordance with the criteria specified in subsection (a))
8 on the feasibility of designating the National Herit-
9 age Area;

10 (2) consult with the Governor of each State in
11 which the proposed National Heritage Area is lo-
12 cated; and

13 (3) transmit to the Committee on Resources of
14 the House of Representatives and the Committee on
15 Energy and Natural Resources of the Senate, the
16 suitability-feasibility study, including—

17 (A) any comments received from the Gov-
18 ernor of each State in which the proposed Na-
19 tional Heritage Area is located; and

20 (B) a finding as to whether the proposed
21 National Heritage Area meets the criteria for
22 designation.

23 (d) DISAPPROVAL.—

24 (1) IN GENERAL.—If the Secretary determines
25 that any proposed National Heritage Area does not

1 meet the criteria for designation, the Secretary shall
2 include within the suitability-feasibility study sub-
3 mitted under subsection (c)(3) a description of the
4 reasons for the determination.

5 (2) OTHER FACTORS.—A finding by the Sec-
6 retary that a proposed National Heritage Area
7 meets the criteria for designation shall not preclude
8 the Secretary from recommending against designa-
9 tion of the proposed National Heritage Area based
10 on the budgetary impact of the designation or any
11 other factor unrelated to the criteria.

12 (e) DESIGNATION.—The designation of a National
13 Heritage Area shall be—

14 (1) by Act of Congress; and

15 (2) contingent on the prior completion of a suit-
16 ability-feasibility study and an affirmative deter-
17 mination by the Secretary that the area meets the
18 criteria established under subsection (a).

19 **SEC. 5. MANAGEMENT PLANS.**

20 (a) REQUIREMENTS.—The management plan for any
21 National Heritage Area shall—

22 (1) describe comprehensive policies, goals, strat-
23 egies, and recommendations for telling the story of
24 the heritage of the area covered by the National
25 Heritage Area and encouraging long-term resource

1 protection, enhancement, interpretation, funding,
2 management, and development of the National Her-
3 itage Area;

4 (2) include a description of actions and commit-
5 ments that governments, private organizations, and
6 citizens will take to protect, enhance, interpret, fund,
7 manage, and develop the natural, historical, cultural,
8 educational, scenic, and recreational resources of the
9 National Heritage Area;

10 (3) specify existing and potential sources of
11 funding or economic development strategies to pro-
12 tect, enhance, interpret, fund, manage, and develop
13 the National Heritage Area;

14 (4) include an inventory of the natural, histor-
15 ical, cultural, educational, scenic, and recreational
16 resources of the National Heritage Area related to
17 the national significance and themes of the National
18 Heritage Area that should be protected, enhanced,
19 interpreted, managed, funded, and developed;

20 (5) recommend policies and strategies for re-
21 source management, including the development of
22 intergovernmental and interagency agreements to
23 protect, enhance, interpret, fund, manage, and de-
24 velop the natural, historical, cultural, educational,

1 scenic, and recreational resources of the National
2 Heritage Area;

3 (6) describe a program for implementation for
4 the management plan, including—

5 (A) performance goals;

6 (B) plans for resource protection, enhance-
7 ment, interpretation, funding, management, and
8 development; and

9 (C) specific commitments for implementa-
10 tion that have been made by the local coordi-
11 nating entity or any government agency, organi-
12 zation, business, or individual;

13 (7) include an analysis of, and recommenda-
14 tions for, means by which Federal, State, and local
15 programs may best be coordinated (including the
16 role of the National Park Service and other Federal
17 agencies associated with the National Heritage
18 Area) to further the purposes of this Act; and

19 (8) include a business plan that—

20 (A) describes the role, operation, financing,
21 and functions of the local coordinating entity
22 and of each of the major activities contained in
23 the management plan; and

24 (B) provides adequate assurances that the
25 local coordinating entity has the partnerships

1 and financial and other resources necessary to
2 implement the management plan for the Na-
3 tional Heritage Area.

4 (b) DEADLINE.—

5 (1) IN GENERAL.—Not later than 3 years after
6 the date on which funds are first made available to
7 develop the management plan after designation as a
8 National Heritage Area, the local coordinating entity
9 shall submit the management plan to the Secretary
10 for approval.

11 (2) TERMINATION OF FUNDING.—If the man-
12 agement plan is not submitted to the Secretary in
13 accordance with paragraph (1), the local coordi-
14 nating entity shall not qualify for any additional fi-
15 nancial assistance under this Act until such time as
16 the management plan is submitted to and approved
17 by the Secretary.

18 (c) APPROVAL OF MANAGEMENT PLAN.—

19 (1) REVIEW.—Not later than 180 days after re-
20 ceiving the plan, the Secretary shall review and ap-
21 prove or disapprove the management plan for a Na-
22 tional Heritage Area on the basis of the criteria es-
23 tablished under paragraph (3).

24 (2) CONSULTATION.—The Secretary shall con-
25 sult with the Governor of each State in which the

1 National Heritage Area is located before approving
2 a management plan for the National Heritage Area.

3 (3) CRITERIA FOR APPROVAL.—In determining
4 whether to approve a management plan for a Na-
5 tional Heritage Area, the Secretary shall consider
6 whether—

7 (A) the local coordinating entity represents
8 the diverse interests of the National Heritage
9 Area, including governments, natural and his-
10 toric resource protection organizations, edu-
11 cational institutions, businesses, recreational or-
12 ganizations, community residents, and private
13 property owners;

14 (B) the local coordinating entity—

15 (i) has afforded adequate opportunity
16 for public and governmental involvement
17 (including through workshops and hear-
18 ings) in the preparation of the manage-
19 ment plan; and

20 (ii) provides for at least semiannual
21 public meetings to ensure adequate imple-
22 mentation of the management plan;

23 (C) the resource protection, enhancement,
24 interpretation, funding, management, and de-
25 velopment strategies described in the manage-

1 ment plan, if implemented, would adequately
2 protect, enhance, interpret, fund, manage, and
3 develop the natural, historic, cultural, edu-
4 cational, scenic, and recreational resources of
5 the National Heritage Area;

6 (D) the management plan would not ad-
7 versely affect any activities authorized on Fed-
8 eral land under public land laws or land use
9 plans;

10 (E) the local coordinating entity has dem-
11 onstrated the financial capability, in partner-
12 ship with others, to carry out the plan;

13 (F) the Secretary has received adequate
14 assurances from the appropriate State and local
15 officials whose support is needed to ensure the
16 effective implementation of the State and local
17 elements of the management plan; and

18 (G) the management plan demonstrates
19 partnerships among the local coordinating enti-
20 ty, Federal, State, and local governments, re-
21 gional planning organizations, nonprofit organi-
22 zations, or private sector parties for implemen-
23 tation of the management plan.

24 (4) DISAPPROVAL.—

1 (A) IN GENERAL.—If the Secretary dis-
2 approves the management plan, the Secretary—

3 (i) shall advise the local coordinating
4 entity in writing of the reasons for the dis-
5 approval; and

6 (ii) may make recommendations to the
7 local coordinating entity for revisions to
8 the management plan.

9 (B) DEADLINE.—Not later than 180 days
10 after receiving a revised management plan, the
11 Secretary shall approve or disapprove the re-
12 vised management plan.

13 (5) AMENDMENTS.—

14 (A) IN GENERAL.—An amendment to the
15 management plan that substantially alters the
16 purposes of the National Heritage Area shall be
17 reviewed by the Secretary and approved or dis-
18 approved in the same manner as the original
19 management plan.

20 (B) IMPLEMENTATION.—The local coordi-
21 nating entity shall not use Federal funds au-
22 thorized by this Act to implement an amend-
23 ment to the management plan until the Sec-
24 retary approves the amendment.

1 **SEC. 6. LOCAL COORDINATING ENTITIES.**

2 (a) DUTIES.—To further the purposes of the Na-
3 tional Heritage Area, the local coordinating entity shall—

4 (1) prepare a management plan for the Na-
5 tional Heritage Area, and submit the management
6 plan to the Secretary, in accordance with section 5;

7 (2) submit an annual report to the Secretary
8 for each fiscal year for which the local coordinating
9 committee receives Federal funds under this Act,
10 specifying—

11 (A) the specific performance goals and ac-
12 complishments of the local coordinating com-
13 mittee;

14 (B) the expenses and income of the local
15 coordinating committee;

16 (C) the amounts and sources of matching
17 funds;

18 (D) the amounts leveraged with Federal
19 funds and sources of the leveraging; and

20 (E) grants made to any other entities dur-
21 ing the fiscal year;

22 (3) make available for audit for each fiscal year
23 for which the local coordinating entity receives Fed-
24 eral funds under this Act, all information pertaining
25 to the expenditure of the funds and any matching
26 funds; and

1 (4) encourage economic viability and sustain-
2 ability that is consistent with the purposes of the
3 National Heritage Area.

4 (b) AUTHORITIES.—For the purposes of preparing
5 and implementing the approved management plan for the
6 National Heritage Area, the local coordinating entity may
7 use Federal funds made available under this Act to—

8 (1) make grants to political jurisdictions, non-
9 profit organizations, and other parties within the
10 National Heritage Area;

11 (2) enter into cooperative agreements with or
12 provide technical assistance to political jurisdictions,
13 nonprofit organizations, Federal agencies, and other
14 interested parties;

15 (3) hire and compensate staff, including individ-
16 uals with expertise in—

17 (A) natural, historical, cultural, edu-
18 cational, scenic, and recreational resource con-
19 servation;

20 (B) economic and community development;
21 and

22 (C) heritage planning;

23 (4) obtain funds or services from any source,
24 including other Federal laws or programs;

25 (5) contract for goods or services; and

1 (6) support activities of partners and any other
2 activities that further the purposes of the National
3 Heritage Area and are consistent with the approved
4 management plan.

5 (c) PROHIBITION ON ACQUISITION OF REAL PROP-
6 ERTY.—The local coordinating entity may not use Federal
7 funds authorized under this Act to acquire any interest
8 in real property.

9 **SEC. 7. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

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

13 (b) CONSULTATION AND COORDINATION.—The head
14 of any Federal agency planning to conduct activities that
15 may have an impact on a National Heritage Area is en-
16 couraged to consult and coordinate the activities with the
17 Secretary and the local coordinating entity to the max-
18 imum extent practicable.

19 (c) OTHER FEDERAL AGENCIES.—Nothing in this
20 Act—

21 (1) modifies, alters, or amends any law or regu-
22 lation authorizing a Federal agency to manage Fed-
23 eral land under the jurisdiction of the Federal agen-
24 cy;

1 (4) authorizes or implies the reservation or ap-
2 propriation of water or water rights;

3 (5) diminishes the authority of the State to
4 manage fish and wildlife, including the regulation of
5 fishing and hunting within the National Heritage
6 Area; or

7 (6) creates any liability, or affects any liability
8 under any other law, of any private property owner
9 with respect to any person injured on the private
10 property.

11 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) **SUITABILITY-FEASIBILITY STUDIES.**—There is
13 authorized to be appropriated to conduct and review suit-
14 ability-feasibility studies under section 4 \$750,000 for
15 each fiscal year, of which not more than \$250,000 for any
16 fiscal year may be used for any individual suitability-feasi-
17 bility study for a proposed National Heritage Area.

18 (b) **LOCAL COORDINATING ENTITIES.**—

19 (1) **IN GENERAL.**—There is authorized to be
20 appropriated to carry out section 6 \$15,000,000 for
21 each fiscal year, of which not more than—

22 (A) \$1,000,000 may be made available for
23 any fiscal year for any individual National Her-
24 itage Area, to remain available until expended;
25 and

1 (B) a total of \$10,000,000 may be made
2 available for all such fiscal years for any indi-
3 vidual National Heritage Area.

4 (2) TERMINATION DATE.—

5 (A) IN GENERAL.—The authority of the
6 Secretary to provide financial assistance to an
7 individual local coordinating entity under this
8 Act (excluding technical assistance and admin-
9 istrative oversight) shall terminate on the date
10 that is 15 years after the date of the initial re-
11 ceipt of the assistance by the local coordinating
12 committee.

13 (B) DESIGNATION.—A National Heritage
14 Area shall retain the designation as a National
15 Heritage Area after the termination date pre-
16 scribed in subparagraph (A).

17 (3) ADMINISTRATION.—Not more than 5 per-
18 cent of the amount of funds made available under
19 paragraph (1) for a fiscal year may be used by the
20 Secretary for technical assistance, oversight, and ad-
21 ministrative purposes.

22 (c) MATCHING FUNDS.—

23 (1) IN GENERAL.—As a condition of receiving a
24 grant under this Act, the recipient of the grant shall

1 provide matching funds in an amount that is equal
2 to the amount of the grant.

3 (2) ADMINISTRATION.—The recipient matching
4 funds—

5 (A) shall be derived from non-Federal
6 sources; and

7 (B) may be made in the form of in-kind
8 contributions of goods or services fairly valued.

○