

# Union Calendar No. 494

116TH CONGRESS  
2D SESSION

# H. R. 1049

[Report No. 116-601]

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. TONKO (for himself, Mr. MCKINLEY, Mr. ALLEN, Mr. BISHOP of Georgia, Mr. BOST, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CARTWRIGHT, Mr. CASTEN of Illinois, Mr. CISNEROS, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COLLINS of New York, Mr. CONNOLLY, Mr. COURTNEY, Ms. DEAN, Mrs. DINGELL, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. FITZPATRICK, Mr. GALLEGGO, Mr. GARAMENDI, Mr. HIGGINS of New York, Mr. HIMES, Mr. HUFFMAN, Mr. JOHNSON of Georgia, Mr. KELLY of Pennsylvania, Mr. KILDEE, Mr. KILMER, Mr. KRISHNAMOORTHI, Mr. LAHOOD, Mrs. LAWRENCE, Ms. LEE of California, Mr. LIPINSKI, Mr. LOEBSACK, Mr. LUJÁN, Mr. SEAN PATRICK MALONEY of New York, Mr. MCNERNEY, Mr. MEUSER, Mr. MITCHELL, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. NEGUSE, Ms. NORTON, Mr. PASCRELL, Mr. RASKIN, Mr. RICHMOND, Mr. RYAN, Mr. SARBANES, Mr. SOTO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of Pennsylvania, Mrs. TRAHAN, Mr. TURNER, Mr. UPTON, Ms. WILD, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 19, 2020

Additional sponsors: Mr. WATKINS, Mr. KENNEDY, Mrs. HAYES, Mr. WALBERG, Mr. ENGEL, Mr. COOPER, Mr. COHEN, Ms. HAALAND, Mr. RESCENTIALER, Mr. RUPPERSBERGER, Ms. VELÁZQUEZ, Mr. KINZINGER, Mr. SIRES, Mr. CUMMINGS, Ms. SLOTKIN, Mr. QUIGLEY, Ms. SCANLON, Ms. MENG, Mr. RIGGLEMAN, Ms. KELLY of Illinois, Mr. CASE, Mr. MALINOWSKI, Ms. KUSTER of New Hampshire, Mr. CÁRDENAS, Mr. CICILLINE, Mr. ESPAILLAT, Mr. MCGOVERN, Ms. GABBARD, Ms. SCHAKOWSKY, Mrs. KIRKPATRICK, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. LOWENTHAL, Mr. TRONE, Ms. JAYAPAL, Mr. VAN DREW, Mr. COX of California, Ms. DELBENE, Mr. PALLONE, Mr.

HORSFORD, Ms. DEGETTE, Ms. SEWELL of Alabama, Mr. PETERS, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Ms. ESHOO, Mr. KIND, Mr. ROUDA, Mr. MARSHALL, Mr. MEEKS, Ms. TLAIB, Ms. FINKENAUER, Mr. DESAULNIER, Mr. LEVIN of Michigan, Mr. LANGEVIN, Mr. MORELLE, Mr. MCEACHIN, Ms. HOULAHAN, Mr. GOTTHEIMER, Ms. STEVENS, Mr. COLE, Mr. PRICE of North Carolina, Ms. SHERRILL, Mr. TIPTON, Mrs. AXNE, Mr. AGUILAR, Mr. CARTER of Georgia, Mr. LAMB, Mr. MCADAMS, Mr. O'HALLERAN, Mr. DOGGETT, Mr. LYNCH, Mr. STANTON, Ms. ESCOBAR, Mr. RODNEY DAVIS of Illinois, Mr. ALLRED, Mr. LAWSON of Florida, Mr. FOSTER, Mr. DANNY K. DAVIS of Illinois, Mr. KATKO, Mr. TED LIEU of California, Mr. JEFFRIES, Mrs. WATSON COLEMAN, Ms. CASTOR of Florida, Mr. CUELLAR, Mr. BEYER, Mr. CRIST, Mr. CARBAJAL, Mr. SMITH of Washington, Ms. MCCOLLUM, Mr. KHANNA, Mr. CASTRO of Texas, Ms. SPEIER, Mr. KIM, Mr. WELCH, Mr. TAKANO, Mr. SERRANO, Ms. LOFGREN, Mr. CLAY, Mr. LEWIS, Mr. RUSH, Mr. LARSON of Connecticut, Mr. VEASEY, Ms. SÁNCHEZ, Mr. YARMUTH, Mrs. BUSTOS, Mr. LEVIN of California, Ms. MOORE, Mr. GONZALEZ of Texas, Ms. CRAIG, Mr. SCOTT of Virginia, Mr. LARSEN of Washington, Ms. BONAMICI, Mr. CORREA, Ms. UNDERWOOD, Mr. SUOZZI, Ms. BARRAGÁN, Mr. PANETTA, Ms. PINGREE, Ms. WILSON of Florida, Mr. SWALWELL of California, Mr. GOMEZ, Ms. BROWNLEY of California, Mr. HECK, Mr. KEATING, Ms. CLARK of Massachusetts, Ms. BLUNT ROCHESTER, Ms. FUDGE, Mr. SHERMAN, Ms. GARCIA of Texas, Ms. JUDY CHU of California, Ms. DELAURO, Mrs. MURPHY of Florida, Mr. VARGAS, Mr. DEFazio, Mrs. CAROLYN B. MALONEY of New York, Mr. THOMPSON of California, Ms. MUCARSEL-POWELL, Mr. BROWN of Maryland, Ms. SPANBERGER, Ms. PRESSLEY, Mr. HICE of Georgia, Mr. CARSON of Indiana, Mr. DELGADO, Ms. ADAMS, Miss RICE of New York, Ms. WEXTON, Mr. DEUTCH, Mr. RUIZ, Mr. HARDER of California, Ms. STEFANIK, Ms. TITUS, Mr. YOUNG, Mr. SHIMKUS, Ms. DAVIDS of Kansas, Mr. GARCÍA of Illinois, Ms. KAPTUR, Mrs. MILLER, Mr. BUTTERFIELD, Ms. SCHRIER, Mr. POCAN, Ms. TORRES SMALL of New Mexico, Mr. BERA, Mr. COSTA, and Mrs. FLETCHER

NOVEMBER 19, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 7, 2019]

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## 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 “Na-*  
 5 *tional Heritage Area Act of 2020”.*

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

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *FEASIBILITY STUDY.*—*The term “feasibility*  
 11 *study” means a study conducted by the Secretary, or*  
 12 *conducted by one or more other interested parties and*  
 13 *reviewed and approved by the Secretary, in accord-*  
 14 *ance with the criteria and processes required by sec-*  
 15 *tion 5, to determine whether a study area meets the*  
 16 *criteria to be designated by Federal statute as a Na-*  
 17 *tional Heritage Area.*

18 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*  
 19 *means any Indian or Alaska Native tribe, band, na-*  
 20 *tion, pueblo, village, or other community the name of*  
 21 *which is included on the list most recently published*

1 *by the Secretary of the Interior pursuant to section*  
2 *104 of the Federally Recognized Indian Tribe List Act*  
3 *of 1994 (25 U.S.C. 5131).*

4 (3) *LOCAL COORDINATING ENTITY.*—*The term*  
5 *“local coordinating entity” means the entity des-*  
6 *ignated by Federal statute to—*

7 (A) *carry out, in partnership with other in-*  
8 *dividuals and entities, the management plan for*  
9 *a National Heritage Area; and*

10 (B) *operate a National Heritage Area, in-*  
11 *cluding through the implementation of projects*  
12 *and programs among diverse partners in a Na-*  
13 *tional Heritage Area.*

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

17 (5) *NATIONAL HERITAGE AREA.*—*The term “Na-*  
18 *tional Heritage Area” means—*

19 (A) *each National Heritage Area, National*  
20 *Heritage Corridor, Natural Preservation Com-*  
21 *mission, National Heritage Canalway, National*  
22 *Heritage Route, Heritage Corridor, Cultural*  
23 *Heritage Corridor, Heritage Partnership, and*  
24 *National Heritage Partnership, the Shenandoah*  
25 *Valley Battlefields National Historic District, or*

1            *other area designated by Federal statute with the*  
2            *explicit purpose of establishing a national herit-*  
3            *age area designated by Congress before or on the*  
4            *date of enactment of this Act; and*

5            *(B) each National Heritage Area designated*  
6            *by Federal statute after the date of enactment of*  
7            *this Act, unless the law designating the area ex-*  
8            *empts that area from the National Heritage Area*  
9            *System by specific reference to this Act.*

10           *(6) NATIONAL HERITAGE AREA SYSTEM.—The*  
11           *term “National Heritage Area System” means the*  
12           *system of National Heritage Areas established by this*  
13           *Act.*

14           *(7) SECRETARY.—The term “Secretary” means*  
15           *the Secretary of the Interior.*

16           *(8) STUDY AREA.—The term “study area” means*  
17           *a specific geographic area that is the subject of a fea-*  
18           *sibility study under section 5.*

19           *(9) TRIBAL GOVERNMENT.—The term “Tribal*  
20           *government” means the governing body of an Indian*  
21           *Tribe.*

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

23           *(a) IN GENERAL.—In order to recognize certain areas*  
24           *of the United States that tell nationally significant stories*  
25           *and to conserve, enhance, and interpret the areas’ natural,*

1 *historic, scenic, and cultural resources that together illus-*  
2 *trate significant aspects of our country's heritage, there is*  
3 *established a National Heritage Area System through which*  
4 *the Secretary may provide technical and financial assist-*  
5 *ance to local coordinating entities to support the establish-*  
6 *ment, development, and continuity of National Heritage*  
7 *Areas.*

8       **(b) NATIONAL HERITAGE AREA SYSTEM.**—*The Na-*  
9 *tional Heritage Area System shall be composed of all Na-*  
10 *tional Heritage Areas.*

11       **(c) RELATIONSHIP TO THE NATIONAL PARK SYS-**  
12 **TEM.**—

13           **(1) RELATIONSHIP TO NATIONAL PARK UNITS.**—  
14 *The Secretary shall encourage participation and as-*  
15 *sistance by any unit of the National Park System lo-*  
16 *cated near or encompassed by any National Heritage*  
17 *Area in local initiatives for that National Heritage*  
18 *Area that conserve and interpret resources consistent*  
19 *with an approved management plan for the National*  
20 *Heritage Area.*

21           **(2) APPLICABILITY OF LAWS.**—*National Heritage*  
22 *Areas shall not be—*

23                   **(A)** *considered to be units of the National*  
24 *Park System; or*

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

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

4           (a) *MANAGEMENT PLAN.*—

5                   (1) *IN GENERAL.*—Not later than 3 years after  
6                   a National Heritage Area is included in the National  
7                   Heritage Area System outlined by this Act, the local  
8                   coordinating entity of the National Heritage Area  
9                   shall submit to the Secretary for approval a manage-  
10                  ment plan for the National Heritage Area.

11                  (2) *REQUIREMENTS.*—The management plan  
12                  shall—

13                         (A) incorporate an integrated and coopera-  
14                         tive approach for the protection, enhancement,  
15                         and interpretation of the natural, cultural, his-  
16                         toric, scenic, and recreational resources of the  
17                         National Heritage Area;

18                         (B) be developed using a comprehensive  
19                         planning approach that includes—

20                                 (i) opportunities for stakeholders, in-  
21                                 cluding community members, local and re-  
22                                 gional governments, Tribal governments,  
23                                 businesses, nonprofit organizations, and  
24                                 other interested parties—

1                   (I) to be involved in the planning  
2                   process; and

3                   (II) to review and comment on  
4                   draft management plans; and

5                   (ii) documentation of the planning and  
6                   public participation processes, including a  
7                   description of—

8                   (I) the means by which the man-  
9                   agement plan was prepared;

10                  (II) the stakeholders involved in  
11                  the process; and

12                  (III) the timing and method of  
13                  stakeholder involvement;

14                  (C) include—

15                  (i) an inventory of—

16                  (I) the resources located in the  
17                  National Heritage Area; and

18                  (II) any other property in the Na-  
19                  tional Heritage Area that—

20                  (aa) is related to the themes  
21                  of the National Heritage Area;  
22                  and

23                  (bb) should be preserved, re-  
24                  stored, managed, or maintained



1                   *because of the significance of the*  
2                   *property;*

3                   *(ii) comprehensive policies, strategies*  
4                   *and recommendations for the conservation,*  
5                   *funding, management, and development of*  
6                   *the National Heritage Area;*

7                   *(iii) a description of actions that the*  
8                   *Federal, Tribal, State, and local govern-*  
9                   *ments, private organizations, and individ-*  
10                  *uals have agreed to take to protect the nat-*  
11                  *ural, historical, cultural, scenic, and rec-*  
12                  *reational resources of the National Heritage*  
13                  *Area;*

14                  *(iv) a program of implementation for*  
15                  *the management plan by the local coordi-*  
16                  *nating entity that includes a description*  
17                  *of—*

18                    *(I) actions to facilitate ongoing*  
19                    *collaboration among partners to pro-*  
20                     *mote plans for resource protection, res-*  
21                     *toration, and construction; and*

22                    *(II) specific commitments for im-*  
23                     *plementation that have been made by*  
24                     *the local coordinating entity or any*  
25                     *government, organization, or indi-*

1                    *vidual for the first 5 years of oper-*  
2                    *ation;*

3                    *(v) the identification of sources of*  
4                    *funding for carrying out the management*  
5                    *plan;*

6                    *(vi) analysis and recommendations for*  
7                    *means by which Federal, Tribal, State, and*  
8                    *local programs, including the role of the Na-*  
9                    *tional Park Service in the National Herit-*  
10                   *age Area, may best be coordinated to carry*  
11                   *out this subsection; and*

12                   *(vii) an interpretive plan for the Na-*  
13                   *tional Heritage Area; and*

14                   *(D) recommend policies and strategies for*  
15                   *resource management that consider and detail*  
16                   *the application of appropriate land and water*  
17                   *management techniques, including the develop-*  
18                   *ment of intergovernmental and interagency coop-*  
19                   *erative agreements to protect the natural, histor-*  
20                   *ical, cultural, educational, scenic, and rec-*  
21                   *reational resources of the National Heritage*  
22                   *Area.*

23                   *(3) EXCEPTIONS.—The requirements in para-*  
24                   *graph (2) shall not apply to management plans in ef-*  
25                   *fect on the date of the enactment of this Act.*

1       **(b) EVALUATIONS.**—

2               **(1) IN GENERAL.**—*Not later than 1 year before*  
3 *the authorization for Federal funding expires for a*  
4 *National Heritage Area, the Secretary shall—*

5                       **(A)** *conduct an evaluation of the accom-*  
6 *plishments of that National Heritage Area; and*

7                       **(B)** *prepare and submit a report detailing*  
8 *the evaluation required by subparagraph (A)*  
9 *to—*

10                               **(i)** *the Committee on Natural Re-*  
11 *sources of the House of Representatives; and*

12                               **(ii)** *the Committee on Energy and Nat-*  
13 *ural Resources of the Senate.*

14               **(2) EVALUATION COMPONENTS.**—*An evaluation*  
15 *prepared under paragraph (1) shall—*

16                       **(A)** *assess the progress of the local coordi-*  
17 *nating entity with respect to—*

18                               **(i)** *accomplishing the purposes of the*  
19 *authorizing legislation for the National*  
20 *Heritage Area; and*

21                               **(ii)** *achieving the goals and objectives*  
22 *of the approved management plan for the*  
23 *National Heritage Area;*

24                       **(B)** *analyze the Federal, Tribal, State, local,*  
25 *and private investments in the National Herit-*

1           age Area to assess the impact of the investments;  
2           and

3                   (C) review the management structure, part-  
4                   nership relationships, and funding of the Na-  
5                   tional Heritage Area.

6           (3) *RESULTS OF EVALUATION.*—Based upon the  
7           evaluation under paragraph (1), the Secretary shall  
8           prepare a report with recommendations for the Na-  
9           tional Park Service’s continued role, if any, with re-  
10          spect to the National Heritage Area. If the report rec-  
11          ommends that Federal funding for the National Her-  
12          itage Area be—

13                   (A) continued, the report shall include an  
14                   analysis of—

15                           (i) ways in which Federal funding for  
16                           the National Heritage Area may be reduced  
17                           or eliminated over time;

18                           (ii) the appropriate time period nec-  
19                           essary to achieve the recommended reduc-  
20                           tion or elimination; and

21                           (iii) justification for the continued  
22                           funding in light of other National Park  
23                           Service core responsibilities and priorities;  
24                           or

1           (B) *eliminated, the report shall include a*  
2           *description of potential impacts on conservation,*  
3           *interpretation, and sustainability of the Na-*  
4           *tional Heritage Area.*

5           (4) *UPDATES; ADDITIONAL EVALUATIONS.—*

6           (A) *UPDATES.—The Secretary may satisfy*  
7           *the requirement under paragraph (1) for a Na-*  
8           *tional Heritage Area by updating an evaluation*  
9           *that was completed for that National Heritage*  
10           *Area not more than 5 years before another eval-*  
11           *uation would otherwise be required under para-*  
12           *graph (1).*

13           (B) *ADDITIONAL EVALUATIONS.—The Sec-*  
14           *retary may conduct additional evaluations as*  
15           *the Secretary deems appropriate.*

16           (c) *COORDINATION.—The head of any Federal agency*  
17           *planning to conduct activities that may have an impact*  
18           *on a designated National Heritage Area is encouraged to*  
19           *consult and coordinate these activities with the Secretary*  
20           *and the local coordinating entity to the maximum extent*  
21           *practicable.*

22           **SEC. 5. STUDY AREAS.**

23           (a) *FEASIBILITY STUDIES.—*

24           (1) *IN GENERAL.—The Secretary may carry out*  
25           *or certify a study to assess the suitability and feasi-*

1 *bility of designating a specific geographic area as a*  
2 *National Heritage Area to be included in the Na-*  
3 *tional Heritage Area System.*

4 (2) *PREPARATION.—The feasibility study shall*  
5 *be carried out—*

6 (A) *by the Secretary in consultation with*  
7 *Tribal, State, and local historic preservation of-*  
8 *ficers, State and local historical societies, State*  
9 *and local tourism offices, and other appropriate*  
10 *organizations and governmental agencies; or*

11 (B) *by interested individuals or entities, if*  
12 *the Secretary certifies that the completed study*  
13 *meets the requirements of paragraph (4).*

14 (3) *CERTIFICATION.—Not later than 1 year after*  
15 *receiving a study carried out by interested individ-*  
16 *uals or entities under paragraph (2)(B) the Secretary*  
17 *shall review and certify whether the study meets the*  
18 *requirements of paragraph (4).*

19 (4) *REQUIREMENTS.—A study under paragraph*  
20 *(1) shall include analysis, documentation, and deter-*  
21 *mination on whether the study area—*

22 (A) *has an assemblage of natural, historic,*  
23 *and cultural resources that—*

24 (i) *represent distinct aspects of the her-*  
25 *itage of the United States;*

- 1           (ii) are worthy of recognition, con-  
2           servation, interpretation, and continuing  
3           use; and
- 4           (iii) would be best managed—
- 5                 (I) through partnerships among  
6                 public and private entities; and
- 7                 (II) by linking diverse and some-  
8                 times noncontiguous resources;
- 9           (B) reflects traditions, customs, beliefs, and  
10           folklife that are a valuable part of the story of  
11           the United States;
- 12           (C) provides outstanding opportunities—
- 13                 (i) to conserve natural, historic, cul-  
14                 tural, or scenic features; and
- 15                 (ii) for recreation and education;
- 16           (D) contains resources that—
- 17                 (i) are important to any identified  
18                 themes of the study area; and
- 19                 (ii) retain a degree of integrity capable  
20                 of supporting interpretation;
- 21           (E) includes Tribal governments, residents,  
22           business interests, nonprofit organizations, and  
23           State and local governments that—
- 24                 (i) are involved in the planning of the  
25                 study area;

1           (ii) have developed a conceptual finan-  
2           cial plan that outlines the roles of all par-  
3           ticipants in the study area, including the  
4           Federal Government; and

5           (iii) have demonstrated support for the  
6           designation of the study area;

7           (F) has a potential local coordinating entity  
8           to work in partnership with the individuals and  
9           entities described in paragraph (1) to develop the  
10          study area while encouraging State and local  
11          economic activity; and

12          (G) has a conceptual boundary map that is  
13          supported by the public.

14       (b) *REPORT.*—

15           (1) *IN GENERAL.*—For each study carried out  
16           under subsection (a), the Secretary shall submit to the  
17           Committee on Natural Resources of the House of Rep-  
18           resentatives and the Committee on Energy and Nat-  
19           ural Resources of the Senate a report that describes—

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

22           (B) any conclusions and recommendations  
23           of the Secretary.

24       (2) *TIMING.*—



1           (A) *With respect to a study carried out by*  
2           *the Secretary in accordance with paragraph*  
3           *(2)(A)(i), the Secretary shall submit a report*  
4           *under subparagraph (A) not later than 3 years*  
5           *after the date on which funds are first made*  
6           *available to carry out the study.*

7           (B) *With respect to a study carried out by*  
8           *interested individuals or entities in accordance*  
9           *with paragraph (2)(A)(ii), the Secretary shall*  
10          *submit a report under subparagraph (A) not*  
11          *later than 180 days after the date on which the*  
12          *Secretary certifies under paragraph (2)(B) that*  
13          *the study meets the requirements of paragraph*  
14          *(3).*

15 **SEC. 6. LOCAL COORDINATING ENTITIES.**

16          (a) *DUTIES.—For any year that Federal funds have*  
17          *been made available under this Act for a National Heritage*  
18          *Area, the local coordinating entity for that National Herit-*  
19          *age Area shall—*

20               (1) *submit to the Secretary an annual report*  
21               *that describes the activities, expenses, and income of*  
22               *the local coordinating entity (including grants to any*  
23               *other entities during the year that the report is*  
24               *made);*

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

4           (3) *require, with respect to all agreements au-*  
5           *thorizing expenditure of Federal funds by other orga-*  
6           *nizations, that the organizations receiving the funds*  
7           *make available to the Secretary for audit all records*  
8           *concerning the expenditure of the funds.*

9           (b) *AUTHORITIES.*—*The local coordinating entity*  
10          *may, subject to the prior approval of the Secretary, for the*  
11          *purposes of preparing and implementing the approved*  
12          *management plan for the National Heritage Area, use Fed-*  
13          *eral funds made available through this Act to—*

14                 (1) *make grants to Indian Tribes, a State, a*  
15                 *local government, nonprofit organizations, and other*  
16                 *parties within the National Heritage Area;*

17                 (2) *enter into cooperative agreements with or*  
18                 *provide technical assistance to the Indian Tribes,*  
19                 *State, a local government, nonprofit organizations,*  
20                 *Federal agencies, and other interested parties;*

21                 (3) *hire and compensate staff, which may in-*  
22                 *clude individuals with expertise in natural, cultural,*  
23                 *and historic resources conservation; economic and*  
24                 *community development; and heritage planning;*

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

3 (5) contract for goods or services; and

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

8 (c) *PROHIBITIONS ON THE ACQUISITION OF REAL*  
9 *PROPERTY.*—The local coordinating entity may not use  
10 Federal funds received under this Act to acquire real prop-  
11 erty or any interest in real property.

12 **SEC. 7. PROPERTY OWNERS AND REGULATORY PROTEC-**  
13 **TIONS.**

14 *Nothing in this Act shall be construed to—*

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

20 (2) require any property owner to permit public  
21 access (including Federal, Tribal, State, or local gov-  
22 ernment access) to such property or to modify any  
23 provisions of Federal, Tribal, State, or local law with  
24 regard to public access or use of private lands;

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

6           (4) authorize or imply the reservation or appro-  
7 priation of water or water rights;

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

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

15          (7) affect the authority of any Federal official to  
16 provide technical or financial assistance under any  
17 other law;

18          (8) modify any law or regulation authorizing  
19 Federal officials to manage Federal land under their  
20 control or limit the discretion of Federal land man-  
21 agers to implement approved land use plans within  
22 the boundaries of a National Heritage Area, nor shall  
23 this Act be construed to modify, alter, or amend any  
24 authorized uses of these Federal lands; or

1           (9) *enlarge or diminish the treaty rights of any*  
2           *Indian Tribe within the National Heritage Area.*

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
5 *sion of law, for each of fiscal years 2020 through 2034, there*  
6 *is authorized to be appropriated not more than \$750,000*  
7 *for each National Heritage Area.*

8           (b) *AVAILABILITY.*—*Amounts made available under*  
9 *subsection (a) shall remain available until expended.*

10          (c) *COST-SHARING REQUIREMENT.*—

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

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

22          (c) *AUTHORITY TO PROVIDE ASSISTANCE.*—*Notwith-*  
23 *standing any other provision of law, the Secretary may*  
24 *provide assistance to a National Heritage Area during any*

1 *fiscal year for which appropriations are authorized under*  
2 *subsection (a).*

3 **SEC. 9. STATUTORY CLARIFICATION.**

4 (a) *AUTHORIZATION LIMITATIONS.*—*Any provision of*  
5 *law enacted before the date of the enactment of this Act that*  
6 *provides for a termination, expiration, or other time limita-*  
7 *tion on the authorization for a National Heritage Area is*  
8 *hereby superceded and shall have no effect.*

9 (b) *FUNDING LIMITATIONS.*—*Any provision of law en-*  
10 *acted before the date of the enactment of this Act that pro-*  
11 *vides for a termination, expiration, or other limitation on*  
12 *the time or amount of an authorization of appropriations*  
13 *for a National Heritage Area is hereby superceded and shall*  
14 *have no effect.*

15 (c) *EVALUATIONS.*—*Any provision of law enacted be-*  
16 *fore the date of the enactment of this Act that requires the*  
17 *Secretary to conduct an evaluation of or submit a report*  
18 *on the accomplishments of a National Heritage Area is*  
19 *hereby superceded and shall have no effect.*

20 (d) *OTHER AUTHORITIES.*—*Any provision of law en-*  
21 *acted before the date of the enactment of this Act that pro-*  
22 *vides for the establishment, management, administration,*  
23 *operation, or otherwise affects a National Heritage Area*  
24 *and is not explicitly otherwise provided for in this Act shall*  
25 *not be affected by this Act.*



Union Calendar No. 494

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 1049**

[Report No. 116-601]

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## **A BILL**

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

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NOVEMBER 19, 2020

Reported with an amendment; committed to the Committee of the Whole House on the State of the Union and ordered to be printed