

**National Heritage Areas Partnership Act**  
**(S. 278, S. 3213, Title VIII, Subtitle A)**  
**110<sup>th</sup> Congress**

**To establish criteria for and to create a National Heritage Areas system in the United States.**

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

*(a) Short Title- This Act may be cited as the `National Heritage Areas Partnership Act'.*

*(b) Table of Contents- The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Purposes.*

*Sec. 3. Definitions.*

*Sec. 4. National Heritage Areas system.*

*Sec. 5. Studies.*

*Sec. 6. Designation of National Heritage Areas.*

*Sec. 7. Management plans.*

*Sec. 8. Evaluation; report.*

*Sec. 9. Local coordinating entities.*

*Sec. 10. Relationship to other Federal agencies.*

*Sec. 11. Private property and regulatory protections.*

*Sec. 12. Partnership support.*

*Sec. 13. Authorization of appropriations.*

***SEC. 2. PURPOSES.***

*The purposes of this Act are--*

*(1) to promote public understanding, appreciation, and enjoyment of many places, events and people that have contributed to the story of the United States;*

*(2) to promote innovative and partnership-driven management strategies that recognize regional values, encourage locally tailored resource stewardship and interpretation, and provide for the effective leveraging of Federal funds with other local, State, and private funding sources;*

*(3) to unify national standards and processes for conducting feasibility studies, designating a system of National Heritage Areas, and approving management plans for National Heritage Areas;*

*(4) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within National Heritage Areas; and*

*(5) to provide financial and technical assistance to National Heritage Area local coordinating entities that act as a catalyst for diverse regions, communities, organizations, and citizens to undertake projects and programs for collaborative resource stewardship and interpretation.*

### **SEC. 3. DEFINITIONS.**

*In this Act:*

*(1) LOCAL COORDINATING ENTITY- The term 'local coordinating entity' means the entity designated by Congress--*

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

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(2) MANAGEMENT PLAN- The term 'management plan' means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 7.*

*(3) NATIONAL HERITAGE AREA- The term 'National Heritage Area' means an area designated by Congress that is nationally important to the heritage of the United States and meets the criteria established under section 5(a).*

*(4) NATIONAL IMPORTANCE- The term 'national importance' means possession of--*

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

*(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.*

*(5) PROPOSED NATIONAL HERITAGE AREA- The term 'proposed National Heritage Area' means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.*

*(6) SECRETARY- The term 'Secretary' means the Secretary of the Interior.*

*(7) STUDY- The term 'study' means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 5, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.*

*(8) SYSTEM- The term 'system' means the system of National Heritage Areas established under section 4(a).*

#### **SEC. 4. NATIONAL HERITAGE AREAS SYSTEM.**

*(a) In General- In order to recognize certain areas of the United States that tell nationally important stories and to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the areas that together illustrate significant aspects of the heritage of the United States, there is established a system of National Heritage Areas through which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of the National Heritage Areas.*

*(b) System- The system of National Heritage Areas shall be composed of--*

*(1) National Heritage Areas established by Congress before or on the date of enactment of this Act; and*

*(2) National Heritage Areas established by Congress after the date of enactment of this Act, as provided for in this Act.*

*(c) Relationship to the National Park System-*

*(1) RELATIONSHIP TO NATIONAL PARK UNITS- The Secretary shall--*

*(A) ensure, to the maximum extent practicable, participation and assistance by units of the National Park System located near or encompassed by National Heritage Areas in local initiatives for*

*National Heritage Areas that conserve and interpret resources consistent with an approved management plan; and*

*(B) work with National Heritage Areas to promote public enjoyment of units of the National Park System and park-related resources.*

*(2) APPLICABILITY OF LAWS- National Heritage Areas shall not be--*

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

*(B) subject to the laws applicable to units of the National Park System.*

*(d) Duties- Under the system, the Secretary shall--*

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

*(B) review and comment on studies undertaken by other parties to make such assessment;*

*(2) provide technical and financial assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;*

*(3) enter into cooperative agreements with interested parties to carry out this Act;*

*(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;*

*(5) provide national oversight, analysis, coordination, and technical and financial assistance and support to ensure consistency and accountability under the system;*

*(6) submit annually to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act; and*

*(7) conduct an evaluation of, and prepare a report on, National Heritage Areas in accordance with section 8.*

## **SEC. 5. STUDIES.**

*(a) Criteria- In conducting or reviewing a study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:*

*(1) An area--*

*(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;*

*(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;*

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

*(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;*

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

*(F) provides outstanding recreational or educational opportunities; and*

*(G) has resources and traditional uses that have national importance.*

*(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.*

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

*(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.*

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

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

*(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.*

*(b) Consultation- In conducting or reviewing a study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.*

*(c) Approval- On completion or receipt of a study for a National Heritage Area, the Secretary shall--*

*(1) review, comment on, and determine if the study meets the criteria specified in subsection (a) for designation as a National Heritage Area;*

*(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and*

*(3) transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the study, including--*

*(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and*

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

*(d) Disapproval- If the Secretary determines that any proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (c)(3) a description of the reasons for the determination.*

## **SEC. 6. DESIGNATION OF NATIONAL HERITAGE AREAS.**

*(a) In General- The designation of a National Heritage Area shall be--*

*(1) by Act of Congress; and*

*(2) contingent on the prior completion of a study and an affirmative determination by the Secretary that the area meets the criteria established under section 5(a).*

*(b) Component of the System- Any National Heritage Area designated under subsection (a) shall be a component of the system.*

## **SEC. 7. MANAGEMENT PLANS.**

*(a) Requirements- The management plan for any National Heritage Area shall--*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including--*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this Act; and*

*(8) include a business plan that--*

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

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) Deadline-*

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

*(2) TERMINATION OF FUNDING- If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this Act until such time as the management plan is submitted to and approved by the Secretary.*

*(c) Approval of Management Plan-*

*(1) REVIEW- Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION- The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL- In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether--*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity--*

*(i) has afforded adequate opportunity for public and governmental involvement (including through workshops*

*and hearings) in the preparation of the management plan;  
and*

*(ii) provides for at least semiannual public meetings to  
ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding,  
management, and development strategies described in the  
management plan, if implemented, would adequately protect,  
enhance, interpret, fund, manage, and develop the natural,  
historic, cultural, educational, scenic, and recreational resources  
of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities  
authorized on Federal land under public land laws or land use  
plans;*

*(E) the local coordinating entity has demonstrated the financial  
capability, in partnership with others, to carry out the plan;*

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

*(G) the management plan demonstrates partnerships among the  
local coordinating entity, Federal, State, and local governments,  
regional planning organizations, nonprofit organizations, or  
private sector parties for implementation of the management plan.*

**(4) DISAPPROVAL-**

*(A) IN GENERAL- If the Secretary disapproves the management  
plan, the Secretary--*

*(i) shall advise the local coordinating entity in writing of  
the reasons for the disapproval; and*

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

*(B) DEADLINE- Not later than 180 days after receiving a revised  
management plan, the Secretary shall approve or disapprove the  
revised management plan.*

**(5) AMENDMENTS-**

*(A) IN GENERAL- An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION- The local coordinating entity shall not use Federal funds authorized by this Act to implement an amendment to the management plan until the Secretary approves the amendment.*

## **SEC. 8. EVALUATION; REPORT.**

*(a) In General- Not later than 3 years before the date on which authority for Federal funding terminates for a National Heritage Area under section 13(b)(2), the Secretary shall--*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) Evaluation- An evaluation conducted under subsection (a)(1) shall--*

*(1) assess the progress of the local coordinating entity with respect to--*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, local, and private investments in the National Heritage Area to determine the leverage and impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) Report-*

*(1) IN GENERAL- Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

*(2) REQUIRED ANALYSIS- If the report prepared under paragraph (1) recommends that Federal funding for the National Heritage Area be reauthorized, the report shall include an analysis of--*

*(A) ways in which Federal funding for the National Heritage Area may be reduced or eliminated; and*

*(B) the appropriate time period necessary to achieve the recommended reduction or elimination.*

*(3) SUBMISSION TO CONGRESS- On completion of the report, the Secretary shall submit the report to--*

*(A) the Committee on Energy and Natural Resources of the Senate; and*

*(B) the Committee on Natural Resources of the House of Representatives.*

## **SEC. 9. LOCAL COORDINATING ENTITIES.**

*(a) Duties- To further the purposes of the National Heritage Area, the local coordinating entity shall--*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with section 7;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this Act, specifying--*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

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

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this Act, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) Authorities- For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this Act to--*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

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

*(3) hire and compensate staff, including individuals with expertise in--*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

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

*(5) contract for goods or services; and*

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

*(c) Prohibition on Acquisition of Real Property- The local coordinating entity may not use Federal funds authorized under this Act to acquire any interest in real property.*

## **SEC. 10. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

*(a) In General- Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) Consultation and Coordination- The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) Other Federal Agencies- Nothing in this Act--*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

## **SEC. 11. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

*Nothing in this Act--*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to any local coordinating entity;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

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

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

## **SEC. 12. PARTNERSHIP SUPPORT.**

*(a) Technical Assistance- On termination of the 15-year period for which assistance is provided under section 13, the Secretary may, on request of a local coordinating entity, continue to provide technical assistance to a National Heritage Area under section 4.*

*(b) Grant Assistance-*

*(1) IN GENERAL- The Secretary may establish a grant program under which the Secretary provides grants, on a competitive basis, to local coordinating entities for the conduct of individual projects at National Heritage Areas for which financial assistance has terminated under section 13.*

*(2) CONDITIONS- The provision of a grant under paragraph (1) shall be subject to the condition that--*

*(A) a project must be approved by the local coordinating entity as promoting the purposes of the management plan required under section 7;*

*(B) a project may receive only 1 grant of no more than \$250,000 in any 1 fiscal year;*

*(C) a maximum of \$250,000 may be received by a local coordinating entity for projects funded under this subsection in any 1 fiscal year; and*

*(D) a project shall not be eligible for funding under this section in any fiscal year that a local coordinating entity receives an appropriation through the National Park Service (excluding technical assistance) for the National Heritage Area at which the project is being conducted.*

*(c) Report- For each fiscal year in which assistance is provided under this section, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a list of the projects provided assistance for the fiscal year.*

### **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

*(a) Studies- There is authorized to be appropriated to conduct and review studies under section 5 \$750,000 for each fiscal year, of which not more than \$250,000 for any fiscal year may be used for any individual study for a proposed National Heritage Area.*

*(b) Local Coordinating Entities-*

*(1) IN GENERAL- There is authorized to be appropriated to carry out section 9 \$25,000,000 for each fiscal year, of which not more than--*

*(A) \$1,000,000 may be made available for any fiscal year for any individual National Heritage Area, to remain available until expended; and*

*(B) a total of \$10,000,000 may be made available for all such fiscal years for any individual National Heritage Area.*

*(2) TERMINATION DATE-*

*(A) IN GENERAL- The authority of the Secretary to provide financial assistance to an individual local coordinating entity under this section (excluding technical assistance and administrative oversight) shall terminate on the date that is 15 years after the date of the initial receipt of the assistance by the local coordinating entity.*

*(B) DESIGNATION- A National Heritage Area shall retain the designation as a National Heritage Area after the termination date prescribed in subparagraph (A).*

*(3) ADMINISTRATION- Not more than 5 percent of the amount of funds made available under paragraph (1) for a fiscal year may be used by the Secretary for technical assistance, oversight, and administrative purposes.*

*(c) Heritage Partnership Grant Assistance- There is authorized to be appropriated to the Secretary to carry out section 12 \$5,000,000 for each fiscal year.*

*(d) Matching Funds-*

*(1) IN GENERAL- As a condition of receiving a grant under this Act, the recipient of the grant shall provide matching funds in an amount that is equal to the amount of the grant.*

*(2) ADMINISTRATION- The recipient matching funds--*

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

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