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[Report No. 117-]

To establish the Southern Maryland National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2021

Mr. HOYER introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER --, 2021

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 March 18, 2021]

A BILL

To establish the Southern Maryland National Heritage Area,
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 “Southern Maryland Na-*
5 *tional Heritage Area Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *NATIONAL HERITAGE AREA.*—*The term “Na-*
9 *tional Heritage Area” means the Southern Maryland*
10 *National Heritage Area established by section 3(a).*

11 (2) *LOCAL COORDINATING ENTITY.*—*The term*
12 *“Local Coordinating Entity” means the local coordi-*
13 *nating entity for the National Heritage Area des-*
14 *ignated by this Act.*

15 (3) *MANAGEMENT PLAN.*—*The term “manage-*
16 *ment plan” means the management plan for the Her-*
17 *itage Area required under section 5(a).*

18 (4) *MAP.*—*The term “map” means the map enti-*
19 *tled “Southern Maryland National Heritage Area*
20 *Proposed Boundary”, numbered 672/177,225, and*
21 *dated August 2021.*

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

24 (6) *STATE.*—*The term “State” means the State*
25 *of Maryland.*

1 **SEC. 3. ESTABLISHMENT OF SOUTHERN MARYLAND NA-**
2 **TIONAL HERITAGE AREA.**

3 (a) *IN GENERAL.*—*There is established the Southern*
4 *Maryland National Heritage Area in the State of Mary-*
5 *land, to consist of land in St. Mary’s, Calvert, Charles, and*
6 *Prince George’s Counties in the State, as generally depicted*
7 *on the map.*

8 (b) *LOCAL COORDINATING ENTITY.*—*The Tri-County*
9 *Council for Southern Maryland shall serve as the local co-*
10 *ordinating entity for the National Heritage Area designated*
11 *by subsection (a).*

12 **SEC. 4. ADMINISTRATION.**

13 (a) *AUTHORITIES.*—*For purposes of carrying out the*
14 *management plan for the National Heritage Area, the Sec-*
15 *retary acting through the Local Coordinating Entity may*
16 *use amounts made available under section 9—*

17 (1) *to make grants to the State or a political*
18 *subdivisions of the State, Indian Tribes, nonprofit or-*
19 *ganizations, and other persons;*

20 (2) *to enter into cooperative agreements with, or*
21 *provide technical assistance to, the State or a polit-*
22 *ical subdivision of the State, Indian Tribes, nonprofit*
23 *organizations, and other interested parties;*

24 (3) *to hire and compensate staff, which shall in-*
25 *clude individuals with expertise in natural, cultural,*

1 *and historical resources protection and heritage pro-*
2 *gramming;*

3 *(4) to obtain money or services from any source,*
4 *including any money or services that are provided*
5 *under any other Federal law or program, provided*
6 *that any money specifically authorized for National*
7 *Heritage areas shall be subject to a 50 percent cost-*
8 *share requirement;*

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

10 *(6) to undertake or be a catalyst for any other*
11 *activity that furthers the purposes of the National*
12 *Heritage Area and is consistent with the approved*
13 *management plan.*

14 *(b) DUTIES.—The Local Coordinating Entity shall—*

15 *(1) in accordance with section 5, prepare and*
16 *submit a management plan for the National Heritage*
17 *Area to the Secretary;*

18 *(2) assist Federal agencies, the State or a polit-*
19 *ical subdivision of the State, Indian Tribes, regional*
20 *planning organizations, nonprofit organizations, and*
21 *other interested parties in carrying out the approved*
22 *management plan by—*

23 *(A) carrying out programs and projects*
24 *that recognize, protect, and enhance important*
25 *resource values in the National Heritage Area;*

1 (B) establishing and maintaining interpre-
2 tive exhibits and programs in the National Her-
3 itage Area;

4 (C) developing recreational, interpretive,
5 and educational opportunities in the National
6 Heritage Area;

7 (D) increasing public awareness of, and ap-
8 preciation for, natural, historical, scenic, and
9 cultural resources of the National Heritage Area;

10 (E) protecting and restoring historic sites
11 and buildings in the National Heritage Area
12 that are consistent with the themes of the Na-
13 tional Heritage Area;

14 (F) ensuring that clear, consistent, and ap-
15 propriate signs identifying points of public ac-
16 cess and sites of interest are posted throughout
17 the National Heritage Area; and

18 (G) promoting a wide range of partnerships
19 among the Federal Government, State, Tribal,
20 and local governments, organizations, and indi-
21 viduals to further the purposes of the National
22 Heritage Area;

23 (3) consider the interests of diverse units of gov-
24 ernment, businesses, organizations, and individuals

1 *in the National Heritage Area in the preparation and*
2 *implementation of the management plan;*

3 *(4) conduct meetings open to the public not less*
4 *frequently than semiannually regarding the develop-*
5 *ment and implementation of the management plan;*
6 *and*

7 *(5) for any year that Federal funds have been*
8 *appropriated to carry out this Act—*

9 *(A) submit to the Secretary an annual re-*
10 *port that describes the activities, expenses, and*
11 *income of the Local Coordinating Entity (in-*
12 *cluding grants to any other entities during the*
13 *year that the report is made);*

14 *(B) make available to the Secretary for*
15 *audit all records relating to the expenditure of*
16 *the funds and any matching funds; and*

17 *(C) encourage by appropriate means eco-*
18 *nomics viability that is consistent with the Na-*
19 *tional Heritage Area.*

20 *(c) PROHIBITION ON THE ACQUISITION OF REAL*
21 *PROPERTY.—The Local Coordinating Entity shall not use*
22 *Federal funds to acquire real property or any interest in*
23 *real property.*

1 **SEC. 5. MANAGEMENT PLAN.**

2 (a) *IN GENERAL.*—Not later than 3 years after the
3 date of enactment of this Act, the Local Coordinating Enti-
4 ty shall submit to the Secretary for approval a proposed
5 management plan for the National Heritage Area.

6 (b) *REQUIREMENTS.*—The management plan shall—

7 (1) incorporate an integrated and cooperative
8 approach for the protection, enhancement, and inter-
9 pretation of the natural, cultural, historic, scenic, and
10 recreational resources of the National Heritage Area;

11 (2) take into consideration Federal, State, local,
12 and Tribal plans and treaty rights;

13 (3) include—

14 (A) an inventory of—

15 (i) the resources located in the Na-
16 tional Heritage Area; and

17 (ii) any other property in the National
18 Heritage Area that—

19 (I) is related to the themes of the
20 National Heritage Area; and

21 (II) should be preserved, restored,
22 managed, or maintained because of the
23 significance of the property;

24 (B) comprehensive policies, strategies, and
25 recommendations for the conservation, funding,

1 *management, and development of the National*
2 *Heritage Area;*

3 *(C) a description of activities that the Fed-*
4 *eral Government, State, Tribal, and local govern-*
5 *ments, private organizations, and individuals*
6 *have agreed to carry out to protect the natural,*
7 *historical, cultural, scenic, and recreational re-*
8 *sources of the National Heritage Area;*

9 *(D) a program of implementation for the*
10 *management plan by the Local Coordinating*
11 *Entity that includes a description of—*

12 *(i) actions to facilitate ongoing collabo-*
13 *ration among partners to promote plans for*
14 *resource protection, restoration, and con-*
15 *struction; and*

16 *(ii) specific commitments for imple-*
17 *mentation that have been made by the Local*
18 *Coordinating Entity or any unit of govern-*
19 *ment, organization, or individual for the*
20 *first 5 years of operation;*

21 *(E) the identification of sources of funding*
22 *for carrying out the management plan;*

23 *(F) analysis and recommendations for*
24 *means by which Federal, State, local, and Tribal*
25 *programs, including the role of the National*

1 *Park Service in the National Heritage Area,*
2 *may best be coordinated to carry out this Act;*
3 *and*

4 *(G) an interpretive plan for the National*
5 *Heritage Area; and*

6 *(4) recommend policies and strategies for re-*
7 *source management that consider and detail the ap-*
8 *plication of appropriate land and water management*
9 *techniques, including the development of intergovern-*
10 *mental and interagency cooperative agreements to*
11 *protect the natural, historical, cultural, educational,*
12 *scenic, and recreational resources of the National*
13 *Heritage Area.*

14 *(c) DEADLINE.—If a proposed management plan is*
15 *not submitted to the Secretary by the date that is 3 years*
16 *after the date of enactment of the Act, the Local Coordi-*
17 *nating Entity shall be ineligible to receive additional fund-*
18 *ing under this Act until the date on which the Secretary*
19 *approves the management plan.*

20 *(d) APPROVAL OR DISAPPROVAL OF MANAGEMENT*
21 *PLAN.—*

22 *(1) IN GENERAL.—Not later than 180 days after*
23 *the date of receipt of the management plan under this*
24 *section, the Secretary, in consultation with State and*

1 *Tribal governments, shall approve or disapprove the*
2 *management plan.*

3 (2) *CRITERIA FOR APPROVAL.—In determining*
4 *whether to approve the management plan, the Sec-*
5 *retary shall consider whether—*

6 (A) *the Local Coordinating Entity is rep-*
7 *resentative of the diverse interests of the National*
8 *Heritage Area, including Federal, State, Tribal,*
9 *and local governments, natural and historic re-*
10 *source protection organizations, educational in-*
11 *stitutions, businesses, and recreational organiza-*
12 *tions;*

13 (B) *the Local Coordinating Entity has af-*
14 *forded adequate opportunity, including public*
15 *hearings, for public and governmental involve-*
16 *ment in the preparation of the management*
17 *plan; and*

18 (C) *the resource protection and interpreta-*
19 *tion strategies contained in the management*
20 *plan, if implemented, would adequately protect*
21 *the natural, historical, and cultural resources of*
22 *the National Heritage Area.*

23 (3) *ACTION FOLLOWING DISAPPROVAL.—If the*
24 *Secretary disapproves the management plan under*
25 *paragraph (1), the Secretary shall—*

1 (A) *advise the Local Coordinating Entity*
2 *in writing of the reasons for the disapproval;*

3 (B) *make recommendations for revisions to*
4 *the management plan; and*

5 (C) *not later than 180 days after the receipt*
6 *of any proposed revision of the management*
7 *plan from the Local Coordinating Entity, ap-*
8 *prove or disapprove the proposed revision.*

9 (4) *AMENDMENTS.—*

10 (A) *IN GENERAL.—The Secretary shall ap-*
11 *prove or disapprove each amendment of the man-*
12 *agement plan that the Secretary determines*
13 *make a substantial change to the management*
14 *plan.*

15 (B) *USE OF FUNDS.—The Local Coordi-*
16 *nating Entity shall not use Federal funds au-*
17 *thorized by this Act to carry out any amendment*
18 *to the management plan until the Secretary has*
19 *approved the amendment.*

20 **SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

21 (a) *IN GENERAL.—Nothing in this Act affects the au-*
22 *thority of a Federal agency to provide technical or financial*
23 *assistance under any other law.*

24 (b) *CONSULTATION AND COORDINATION.—The head of*
25 *any Federal agency planning to conduct activities that may*

1 *have an impact on the National Heritage Area is encour-*
2 *aged to consult and coordinate the activities with the Sec-*
3 *retary and the Local Coordinating Entity to the maximum*
4 *extent practicable.*

5 (c) *OTHER FEDERAL AGENCIES.—Nothing in this*
6 *Act—*

7 (1) *modifies, alters, or amends any law or regu-*
8 *lations authorizing a Federal agency to manage Fed-*
9 *eral land under the jurisdiction of the Federal agency;*

10 (2) *limits the discretion of a Federal land man-*
11 *ager to implement an approved land use plan within*
12 *the boundaries of the National Heritage Area; or*

13 (3) *modifies, alters, or amends any authorized*
14 *use of Federal land under the jurisdiction of a Fed-*
15 *eral agency.*

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

18 *Nothing in this Act—*

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

24 (2) *requires any property owner—*

1 (A) to permit public access (including ac-
2 cess by Federal, State, or local agencies) to the
3 property of the property owner; or

4 (B) to modify public access or use of prop-
5 erty of the property owner under any other Fed-
6 eral, State, or local law;

7 (3) alters any duly adopted land use regulation,
8 approved land use plan, or other regulatory authority
9 of any Federal, State, Tribal, or local agency;

10 (4) conveys any land use or other regulatory au-
11 thority to the Local Coordinating Entity;

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

14 (6) enlarges or diminishes the treaty rights of
15 any Indian Tribe within the National Heritage Area;

16 (7) diminishes—

17 (A) the authority of the State to manage
18 fish and wildlife, including the regulation of
19 fishing and hunting, within the National Herit-
20 age Area; or

21 (B) the authority of Indian Tribes to regu-
22 late members of Indian Tribes with respect to
23 fishing, hunting, and gathering in the exercise of
24 treaty rights; or

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

5 **SEC. 8. EVALUATION AND REPORT.**

6 (a) *IN GENERAL.—For the National Heritage Area,*
7 *not later than 3 years before the date specified under section*
8 *9, the Secretary shall—*

9 (1) *conduct an evaluation of the accomplish-*
10 *ments of the National Heritage Area; and*

11 (2) *prepare a report in accordance with sub-*
12 *section (c).*

13 (b) *EVALUATION.—An evaluation conducted under*
14 *subsection (a)(1) shall—*

15 (1) *assess the progress of the Local Coordinating*
16 *Entity with respect to—*

17 (A) *accomplishing the purposes of the Na-*
18 *tional Heritage Area; and*

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

22 (2) *analyze the investments of the Federal Gov-*
23 *ernment, State, Tribal, and local governments, and*
24 *private entities in the National Heritage Area to de-*
25 *termine the impact of the investments; and*

1 (3) *review the management structure, partner-*
2 *ship relationships, and funding of the National Herit-*
3 *age Area for purposes of identifying the critical com-*
4 *ponents for sustainability of the National Heritage*
5 *Area.*

6 (c) *REPORT.—Based on the evaluation conducted*
7 *under subsection (a)(1), the Secretary shall submit to the*
8 *Committee on Energy and Natural Resources of the Senate*
9 *and the Committee on Natural Resources of the House of*
10 *Representatives a report that includes recommendations for*
11 *the future role of the National Park Service, if any, with*
12 *respect to the National Heritage Area.*

13 **SEC. 9. TERMINATION OF AUTHORITY.**

14 *The authority of the Secretary to provide assistance*
15 *under this Act terminates on the date that is 15 years after*
16 *the date of enactment of this Act.*