

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1049
OFFERED BY MR. TONKO OF NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Heritage Area Act of 2020”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this 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. Expiration of Authorization of Appropriations.
- Sec. 10. Statutory Clarification.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) FEASIBILITY STUDY.—The term “feasibility
9 study” means a study conducted by the Secretary,
10 or conducted by one or more other interested parties
11 and reviewed and approved by the Secretary, in ac-
12 cordance with the criteria and processes required by
13 section 5, to determine whether a study area meets

1 the criteria to be designated by Federal statute as
2 a National Heritage Area.

3 (2) INDIAN TRIBE.—The term “Indian Tribe”
4 means any Indian or Alaska Native tribe, band, na-
5 tion, pueblo, village, or other community the name
6 of which is included on the most list most recently
7 published by the Secretary of the Interior pursuant
8 to section 104 of the Federally Recognized Indian
9 Tribe List Act of 1994 (25 U.S.C. 5131).

10 (3) LOCAL COORDINATING ENTITY.—The term
11 “local coordinating entity” means the entity des-
12 ignated by Federal statute to—

13 (A) carry out, in partnership with other in-
14 dividuals and entities, the management plan for
15 a National Heritage Area; and

16 (B) operate a National Heritage Area, in-
17 cluding through the implementation of projects
18 and programs among diverse partners in a Na-
19 tional Heritage Area.

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

23 (5) NATIONAL HERITAGE AREA.—The term
24 “National Heritage Area” means—

1 (A) each National Heritage Area, National
2 Historic District, National Heritage Corridor,
3 Natural Preservation Commission, National
4 Heritage Canalway, National Heritage Route,
5 Heritage Corridor, Cultural Heritage Corridor,
6 Heritage Partnership, and National Heritage
7 Partnership, or other area designated by Fed-
8 eral statute with the explicit purpose of estab-
9 lishing a national heritage area designated by
10 Congress before or on the date of enactment of
11 this Act; and

12 (B) each National Heritage Area des-
13 igned by Federal statute after the date of en-
14 actment of this Act, unless the law designating
15 the area exempts that area from the National
16 Heritage Area System by specific reference to
17 this Act.

18 (6) NATIONAL HERITAGE AREA SYSTEM.—The
19 term “National Heritage Area System” means the
20 system of National Heritage Areas established by
21 this Act.

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

1 (8) STUDY AREA.—The term “study area”
2 means a specific geographic area that is the subject
3 of a feasibility study under section 5.

4 (9) TRIBAL GOVERNMENT.—The term “Tribal
5 government” means the governing body of an Indian
6 Tribe.

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

8 (a) IN GENERAL.—In order to recognize certain
9 areas of the United States that tell nationally significant
10 stories and to conserve, enhance, and interpret the areas’
11 natural, historic, scenic, and cultural resources that to-
12 gether illustrate significant aspects of our country’s herit-
13 age, there is established a National Heritage Area System
14 through which the Secretary may provide technical and
15 financial assistance to local coordinating entities to sup-
16 port the establishment, development, and continuity of
17 National Heritage Areas.

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

21 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-
22 TEM.—

23 (1) RELATIONSHIP TO NATIONAL PARK
24 UNITS.—The Secretary shall encourage participation
25 and assistance by any unit of the National Park

1 System located near or encompassed by any Na-
2 tional Heritage Area in local initiatives for that Na-
3 tional Heritage Area that conserve and interpret re-
4 sources consistent with an approved management
5 plan for the National Heritage Area.

6 (2) APPLICABILITY OF LAWS.—National Herit-
7 age Areas shall not be—

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

10 (B) subject to the authorities applicable to
11 units of the National Park System.

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

13 (a) MANAGEMENT PLAN.—

14 (1) IN GENERAL.—Not later than 3 years after
15 a National Heritage Area is included in the National
16 Heritage Area System outlined by this Act, the local
17 coordinating entity of the National Heritage Area
18 shall submit to the Secretary for approval a manage-
19 ment plan for the National Heritage Area.

20 (2) REQUIREMENTS.—The management plan
21 shall—

22 (A) incorporate an integrated and coopera-
23 tive approach for the protection, enhancement,
24 and interpretation of the natural, cultural, his-

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

3 (B) be developed using a comprehensive
4 planning approach that includes—

5 (i) opportunities for stakeholders, in-
6 cluding community members, local and re-
7 gional governments, Tribal governments,
8 businesses, nonprofit organizations, and
9 other interested parties—

10 (I) to be involved in the planning
11 process; and

12 (II) to review and comment on
13 draft management plans; and

14 (ii) documentation of the planning
15 and public participation processes, includ-
16 ing a description of—

17 (I) the means by which the man-
18 agement plan was prepared;

19 (II) the stakeholders involved in
20 the process; and

21 (III) the timing and method of
22 stakeholder involvement.

23 (C) include—

24 (i) an inventory of—

1 (I) the resources located in the
2 National Heritage Area; and

3 (II) any other property in the
4 National Heritage Area that—

5 (aa) is related to the themes
6 of the National Heritage Area;
7 and

8 (bb) should be preserved, re-
9 stored, managed, or maintained
10 because of the significance of the
11 property;

12 (ii) comprehensive policies, strategies
13 and recommendations for the conservation,
14 funding, management, and development of
15 the National Heritage Area;

16 (iii) a description of actions that the
17 Federal, Tribal, State, and local govern-
18 ments, private organizations, and individ-
19 uals have agreed to take to protect the
20 natural, historical, cultural, scenic, and
21 recreational resources of the National Her-
22 itage Area;

23 (iv) a program of implementation for
24 the management plan by the local coordi-

1 nating entity that includes a description
2 of—

3 (I) actions to facilitate ongoing
4 collaboration among partners to pro-
5 mote plans for resource protection,
6 restoration, and construction; and

7 (II) specific commitments for im-
8 plementation that have been made by
9 the local coordinating entity or any
10 government, organization, or indi-
11 vidual for the first 5 years of oper-
12 ation;

13 (v) the identification of sources of
14 funding for carrying out the management
15 plan;

16 (vi) analysis and recommendations for
17 means by which Federal, Tribal, State,
18 and local programs, including the role of
19 the National Park Service in the National
20 Heritage Area, may best be coordinated to
21 carry out this subsection; and

22 (vii) an interpretive plan for the Na-
23 tional Heritage Area; and

24 (D) recommend policies and strategies for
25 resource management that consider and detail

1 the application of appropriate land and water
2 management techniques, including the develop-
3 ment of intergovernmental and interagency co-
4 operative agreements to protect the natural,
5 historical, cultural, educational, scenic, and rec-
6 reational resources of the National Heritage
7 Area.

8 (3) EXCEPTIONS.—The requirements in para-
9 graph (2) shall not apply to management plans in
10 effect on the date of the enactment of this Act.

11 (b) EVALUATIONS.—

12 (1) IN GENERAL.—Not later than 1 year before
13 the authorization for Federal funding expires for a
14 National Heritage Area, the Secretary shall—

15 (A) conduct an evaluation of the accom-
16 plishments of that National Heritage Area; and

17 (B) prepare and submit a report detailing
18 the evaluation required by subparagraph (A)
19 to—

20 (i) the Committee on Natural Re-
21 sources of the House of Representatives;
22 and

23 (ii) the Committee on Energy and
24 Natural Resources of the Senate.

1 (2) EVALUATION COMPONENTS.—An evaluation
2 prepared under subsection (a) shall—

3 (A) assess the progress of the local coordi-
4 nating entity with respect to—

5 (i) accomplishing the purposes of the
6 authorizing legislation for the National
7 Heritage Area; and

8 (ii) achieving the goals and objectives
9 of the approved management plan for the
10 National Heritage Area;

11 (B) analyze the Federal, Tribal, State,
12 local, and private investments in the National
13 Heritage Area to assess the impact of the in-
14 vestments; and

15 (C) review the management structure,
16 partnership relationships, and funding of the
17 National Heritage Area.

18 (3) UPDATES; ADDITIONAL EVALUATIONS.—

19 (A) UPDATES.—The Secretary may satisfy
20 the requirement under paragraph (1) for a Na-
21 tional Heritage Area by updating an evaluation
22 that was completed for that National Heritage
23 Area not more than the 5 years before another
24 evaluation would otherwise be required under
25 paragraph (1).

1 (B) ADDITIONAL EVALUATIONS.—The Sec-
2 retary may conduct additional evaluations as
3 the Secretary deems appropriate.

4 (d) COORDINATION.—The head of any Federal agen-
5 cy planning to conduct activities that may have an impact
6 on a designated National Heritage Area is encouraged to
7 consult and coordinate these activities with the Secretary
8 and the local coordinating entity to the maximum extent
9 practicable.

10 **SEC. 5. STUDY AREAS.**

11 (a) FEASIBILITY STUDIES.—

12 (1) IN GENERAL.—The Secretary may carry out
13 or certify a study to assess the suitability and feasi-
14 bility of designating a specific geographic area as a
15 National Heritage Area to be included in the Na-
16 tional Heritage Area System.

17 (2) PREPARATION.—The feasibility study shall
18 be carried out—

19 (A) by the Secretary in consultation with
20 Tribal, State, and local historic preservation of-
21 ficers, State and local historical societies, State
22 and local tourism offices, and other appropriate
23 organizations and governmental agencies; or

1 (B) by interested individuals or entities, if
2 the Secretary certifies that the completed study
3 meets the requirements of paragraph (4).

4 (3) CERTIFICATION.—Not later than 1 year
5 after receiving a study carried out by interested indi-
6 viduals or entities under paragraph (2)(B) the Sec-
7 retary shall review and certify whether the study
8 meets the requirements of paragraph (4).

9 (4) REQUIREMENTS.—A study under paragraph
10 (1) shall include analysis, documentation, and deter-
11 mination on whether the study area—

12 (A) has an assemblage of natural, historic,
13 and cultural resources that—

14 (i) represent distinct aspects of the
15 heritage of the United States;

16 (ii) are worthy of recognition, con-
17 servation, interpretation, and continuing
18 use; and

19 (iii) would be best managed—

20 (I) through partnerships among
21 public and private entities; and

22 (II) by linking diverse and some-
23 times noncontiguous resources;

1 (B) reflects traditions, customs, beliefs,
2 and folklife that are a valuable part of the story
3 of the United States;

4 (C) provides outstanding opportunities—

5 (i) to conserve natural, historic, cul-
6 tural, or scenic features; and

7 (ii) for recreation and education;

8 (D) contains resources that—

9 (i) are important to any identified
10 themes of the study area; and

11 (ii) retain a degree of integrity capa-
12 ble of supporting interpretation;

13 (E) includes Tribal governments, residents,
14 business interests, nonprofit organizations, and
15 State and local governments that—

16 (i) are involved in the planning of the
17 study area;

18 (ii) have developed a conceptual finan-
19 cial plan that outlines the roles of all par-
20 ticipants in the study area, including the
21 Federal Government; and

22 (iii) have demonstrated support for
23 the designation of the study area;

24 (F) has a potential local coordinating enti-
25 ty to work in partnership with the individuals

1 and entities described in paragraph (1) to de-
2 velop the study area while encouraging State
3 and local economic activity; and

4 (G) has a conceptual boundary map that is
5 supported by the public.

6 (b) REPORT.—

7 (1) IN GENERAL.—For each study carried out
8 under subsection (a), the Secretary shall submit to
9 the Committee on Natural Resources of the House
10 of Representatives and the Committee on Energy
11 and Natural Resources of the Senate a report that
12 describes—

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

15 (B) any conclusions and recommendations
16 of the Secretary.

17 (2) TIMING.—

18 (A) With respect to a study carried out by
19 the Secretary in accordance with paragraph
20 (2)(A)(i), the Secretary shall submit a report
21 under subparagraph (A) not later than 3 years
22 after the date on which funds are first made
23 available to carry out the study.

24 (B) With respect to a study carried out by
25 interested individuals or entities in accordance

1 with paragraph (2)(A)(ii), the Secretary shall
2 submit a report under subparagraph (A) not
3 later than 180 days after the date on which the
4 Secretary certifies under paragraph (2)(B) that
5 the study meets the requirements of paragraph
6 (3).

7 **SEC. 6. LOCAL COORDINATING ENTITIES.**

8 (a) DUTIES.—For any year that Federal funds have
9 been made available under this Act for a National Herit-
10 age Area, the local coordinating entity for that National
11 Heritage Area shall—

12 (1) submit to the Secretary an annual report
13 that describes the activities, expenses, and income of
14 the local coordinating entity (including grants to any
15 other entities during the year that the report is
16 made);

17 (2) make available to the Secretary for audit all
18 records relating to the expenditure of Federal funds
19 and any matching funds; and

20 (3) require, with respect to all agreements au-
21 thORIZING expenditure of Federal funds by other or-
22 ganizations, that the organizations receiving the
23 funds make available to the Secretary for audit all
24 records concerning the expenditure of the funds.

1 (b) AUTHORITIES.—The local coordinating entity
2 may, subject to the prior approval of the Secretary, for
3 the purposes of preparing and implementing the approved
4 management plan for the National Heritage Area, use
5 Federal funds made available through this Act to—

6 (1) make grants to Indian Tribes, a State, a
7 local government, nonprofit organizations, and other
8 parties within the National Heritage Area;

9 (2) enter into cooperative agreements with or
10 provide technical assistance to the Indian Tribes,
11 State, a local government, nonprofit organizations,
12 Federal agencies, and other interested parties;

13 (3) hire and compensate staff, which may in-
14 clude individuals with expertise in natural, cultural,
15 and historic resources conservation; economic and
16 community development; and heritage planning;

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

19 (5) contract for goods or services; and

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

24 (c) PROHIBITIONS ON THE ACQUISITION OF REAL
25 PROPERTY.—The local coordinating entity may not use

1 Federal funds received under this Act to acquire real prop-
2 erty or any interest in real property.

3 **SEC. 7. PROPERTY OWNERS AND REGULATORY PROTEC-**
4 **TIONS.**

5 Nothing in this Act shall be construed to—

6 (1) abridge the rights of any property owner,
7 whether public or private, including the right to re-
8 frain from participating in any plan, project, pro-
9 gram, or activity conducted within the National Her-
10 itage Area;

11 (2) require any property owner to permit public
12 access (including Federal, Tribal, State, or local gov-
13 ernment access) to such property or to modify any
14 provisions of Federal, Tribal, State, or local law with
15 regard to public access or use of private lands;

16 (3) alter any duly adopted land use regulation
17 or any approved land use plan or any other regu-
18 latory authority of any Federal, Tribal, or State, or
19 local government, or to convey any land use or other
20 regulatory authority to any local coordinating entity;

21 (4) authorize or imply the reservation or appro-
22 priation of water or water rights;

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

1 (6) create any liability, or have any effect on
2 any liability under any other law, of any private
3 property owner with respect to any persons injured
4 on such private property;

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

8 (8) modify any law or regulation authorizing
9 Federal officials to manage Federal land under their
10 control or limit the discretion of Federal land man-
11 agers to implement approved land use plans within
12 the boundaries of a National Heritage Area, nor
13 shall this Act be construed to modify, alter, or
14 amend any authorized uses of these Federal lands;
15 or

16 (9) enlarge or diminish the treaty rights of any
17 Indian Tribe within the National Heritage Area.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) **IN GENERAL.**—Notwithstanding any other provi-
20 sion of law, for each fiscal year, there is authorized to be
21 appropriated not more than \$750,000 for each National
22 Heritage Area.

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

25 (c) **COST-SHARING REQUIREMENT.**—

1 (1) FEDERAL SHARE.—Notwithstanding any
2 other provision of law, including any law designating
3 a National Heritage Area, the Federal share of the
4 total cost of any activity funded with appropriations
5 authorized by subsection (a) shall not be more than
6 50 percent.

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

12 (c) AUTHORITY TO PROVIDE ASSISTANCE.—Notwith-
13 standing any other provision of law, the Secretary may
14 provide assistance to a National Heritage Area during any
15 fiscal year for which appropriations are authorized under
16 subsection (a).

17 **SEC. 9. EXPIRATION OF AUTHORIZATION OF APPROPRIA-**
18 **TIONS.**

19 The authorization of appropriations for the National
20 Heritage Area System shall expire on the date that is 20
21 years after the date of the enactment of this Act.

22 **SEC. 10. STATUTORY CLARIFICATION.**

23 (a) AUTHORIZATION LIMITATIONS.—Any provision of
24 law enacted before the date of the enactment of this Act
25 that provides for a termination, expiration, or other time

1 limitation on the authorization for a National Heritage
2 Area is hereby superceded and shall have no effect.

3 (b) FUNDING LIMITATIONS.—Any provision of law
4 enacted before the date of the enactment of this Act that
5 provides for a termination, expiration, or other limitation
6 on the time or amount of an authorization of appropria-
7 tions for a National Heritage Area is hereby superceded
8 and shall have no effect.

9 (c) EVALUATIONS.—Any provision of law enacted be-
10 fore the date of the enactment of this Act that requires
11 the Secretary to conduct an evaluation of or submit a re-
12 port on the accomplishments of a National Heritage Area
13 is hereby superceded and shall have no effect.

14 (d) OTHER AUTHORITIES.—Any provision of law en-
15 acted before the date of the enactment of this Act that
16 provides for the establishment, management, administra-
17 tion, operation, or otherwise affects a National Heritage
18 Area and is not explicitly otherwise provided for in this
19 Act shall not be affected by this Act.

