

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 117-2**  
**OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

At the end of the bill, add the following new title:

1 **TITLE IX—NATIONAL HERITAGE**  
2 **AREA**

3 **SEC. 901. SHORT TITLE.**

4 This title may be cited as the “National Heritage  
5 Area Act of 2021”.

6 **SEC. 902. DEFINITIONS.**

7 In this title:

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 905, to determine whether a study area  
14 meets the criteria to be designated by Federal stat-  
15 ute as a National Heritage Area.

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

1 lished by the Secretary of the Interior pursuant to  
2 section 104 of the Federally Recognized Indian  
3 Tribe List Act 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 title.

17 (5) NATIONAL HERITAGE AREA.—The term  
18 “National 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,

1           or other area designated by Federal statute  
2           with the explicit purpose of establishing a na-  
3           tional heritage area designated by Congress be-  
4           fore or on the date of enactment of this Act;  
5           and

6                   (B) each National Heritage Area des-  
7           ignated by Federal statute after the date of en-  
8           actment of this Act, unless the law designating  
9           the area exempts that area from the National  
10          Heritage Area System by specific reference to  
11          this title.

12           (6) NATIONAL HERITAGE AREA SYSTEM.—The  
13          term “National Heritage Area System” means the  
14          system of National Heritage Areas established by  
15          this title.

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

18           (8) STUDY AREA.—The term “study area”  
19          means a specific geographic area that is the subject  
20          of a feasibility study under section 905.

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

1 **SEC. 903. NATIONAL HERITAGE AREA SYSTEM.**

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

12 (b) NATIONAL HERITAGE AREA SYSTEM.—The Na-  
13 tional Heritage Area System shall be composed of all Na-  
14 tional Heritage Areas.

15 (c) RELATIONSHIP TO THE NATIONAL PARK SYS-  
16 TEM.—

17 (1) RELATIONSHIP TO NATIONAL PARK  
18 UNITS.—The Secretary shall encourage participation  
19 and assistance by any unit of the National Park  
20 System located near or encompassed by any Na-  
21 tional Heritage Area in local initiatives for that Na-  
22 tional Heritage Area that conserve and interpret re-  
23 sources consistent with an approved management  
24 plan for the National Heritage Area.

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

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

3 (B) subject to the authorities applicable to  
4 units of the National Park System.

5 **SEC. 904. NATIONAL HERITAGE AREA SYSTEM MANAGE-**  
6 **MENT.**

7 (a) MANAGEMENT PLAN.—

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

14 (2) REQUIREMENTS.—The management plan  
15 shall—

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

21 (B) be developed using a comprehensive  
22 planning approach that includes—

23 (i) opportunities for stakeholders, in-  
24 cluding community members, local and re-  
25 gional governments, Tribal governments,

1 businesses, nonprofit organizations, and  
2 other interested parties—

3 (I) to be involved in the planning  
4 process; and

5 (II) to review and comment on  
6 draft management plans; and

7 (ii) documentation of the planning  
8 and public participation processes, includ-  
9 ing a description of—

10 (I) the means by which the man-  
11 agement plan was prepared;

12 (II) the stakeholders involved in  
13 the process; and

14 (III) the timing and method of  
15 stakeholder involvement;

16 (C) include—

17 (i) an inventory of—

18 (I) the resources located in the  
19 National Heritage Area; and

20 (II) any other property in the  
21 National Heritage Area that—

22 (aa) is related to the themes  
23 of the National Heritage Area;  
24 and

1 (bb) should be preserved, re-  
2 stored, managed, or maintained  
3 because of the significance of the  
4 property;

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

9 (iii) a description of actions that the  
10 Federal, Tribal, State, and local govern-  
11 ments, private organizations, and individ-  
12 uals have agreed to take to protect the  
13 natural, historical, cultural, scenic, and  
14 recreational resources of the National Her-  
15 itage Area;

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

20 (I) actions to facilitate ongoing  
21 collaboration among partners to pro-  
22 mote plans for resource protection,  
23 restoration, and construction; and

24 (II) specific commitments for im-  
25 plementation that have been made by

1 the local coordinating entity or any  
2 government, organization, or indi-  
3 vidual for the first 5 years of oper-  
4 ation;

5 (v) the identification of sources of  
6 funding for carrying out the management  
7 plan;

8 (vi) analysis and recommendations for  
9 means by which Federal, Tribal, State,  
10 and local programs, including the role of  
11 the National Park Service in the National  
12 Heritage Area, may best be coordinated to  
13 carry out this subsection; and

14 (vii) an interpretive plan for the Na-  
15 tional Heritage Area; and

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

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

4           (b) EVALUATIONS.—

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

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

10                   (B) prepare and submit a report detailing  
11                   the evaluation required by subparagraph (A)  
12                   to—

13                           (i) the Committee on Natural Re-  
14                           sources of the House of Representatives;  
15                           and

16                           (ii) the Committee on Energy and  
17                           Natural Resources of the Senate.

18           (2) EVALUATION COMPONENTS.—An evaluation  
19           prepared under paragraph (1) shall—

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

22                           (i) accomplishing the purposes of the  
23                           authorizing legislation for the National  
24                           Heritage Area; and

1 (ii) achieving the goals and objectives  
2 of the approved management plan for the  
3 National Heritage Area;

4 (B) analyze the Federal, Tribal, State,  
5 local, and private investments in the National  
6 Heritage Area to assess the impact of the in-  
7 vestments; and

8 (C) review the management structure,  
9 partnership relationships, and funding of the  
10 National Heritage Area.

11 (3) RESULTS OF EVALUATION.—Based upon  
12 the evaluation under paragraph (1), the Secretary  
13 shall prepare a report with recommendations for the  
14 National Park Service’s continued role, if any, with  
15 respect to the National Heritage Area. If the report  
16 recommends that Federal funding for the National  
17 Heritage Area be—

18 (A) continued, the report shall include an  
19 analysis of—

20 (i) ways in which Federal funding for  
21 the National Heritage Area may be re-  
22 duced or eliminated over time;

23 (ii) the appropriate time period nec-  
24 essary to achieve the recommended reduc-  
25 tion or elimination; and

1 (iii) justification for the continued  
2 funding in light of other National Park  
3 Service core responsibilities and priorities;  
4 or

5 (B) eliminated, the report shall include a  
6 description of potential impacts on conserva-  
7 tion, interpretation, and sustainability of the  
8 National Heritage Area.

9 (4) UPDATES; ADDITIONAL EVALUATIONS.—

10 (A) UPDATES.—The Secretary may satisfy  
11 the requirement under paragraph (1) for a Na-  
12 tional Heritage Area by updating an evaluation  
13 that was completed for that National Heritage  
14 Area not more than 5 years before another  
15 evaluation would otherwise be required under  
16 paragraph (1).

17 (B) ADDITIONAL EVALUATIONS.—The Sec-  
18 retary may conduct additional evaluations as  
19 the Secretary deems appropriate.

20 (c) COORDINATION.—The head of any Federal agen-  
21 cy planning to conduct activities that may have an impact  
22 on a designated National Heritage Area is encouraged to  
23 consult and coordinate these activities with the Secretary  
24 and the local coordinating entity to the maximum extent  
25 practicable.

1 **SEC. 905. STUDY AREAS.**

2 (a) FEASIBILITY STUDIES.—

3 (1) IN GENERAL.—The Secretary may carry out  
4 or certify a study to assess the suitability and feasi-  
5 bility of designating a specific geographic area as a  
6 National Heritage Area to be included in the Na-  
7 tional Heritage Area System.

8 (2) PREPARATION.—The feasibility study shall  
9 be carried out—

10 (A) by the Secretary in consultation with  
11 Tribal, State, and local historic preservation of-  
12 ficers, State and local historical societies, State  
13 and local tourism offices, and other appropriate  
14 organizations and governmental agencies; or

15 (B) by interested individuals or entities, if  
16 the Secretary certifies that the completed study  
17 meets the requirements of paragraph (4).

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

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

1 (A) has an assemblage of natural, historic,  
2 and cultural resources that—

3 (i) represent distinct aspects of the  
4 heritage of the United States;

5 (ii) are worthy of recognition, con-  
6 servation, interpretation, and continuing  
7 use; and

8 (iii) would be best managed—

9 (I) through partnerships among  
10 public and private entities; and

11 (II) by linking diverse and some-  
12 times noncontiguous resources;

13 (B) reflects traditions, customs, beliefs,  
14 and folklife that are a valuable part of the story  
15 of the United States;

16 (C) provides outstanding opportunities—

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

19 (ii) for recreation and education;

20 (D) contains resources that—

21 (i) are important to any identified  
22 themes of the study area; and

23 (ii) retain a degree of integrity capa-  
24 ble of supporting interpretation;

1 (E) includes Tribal governments, residents,  
2 business interests, nonprofit organizations, and  
3 State and local governments that—

4 (i) are involved in the planning of the  
5 study area;

6 (ii) have developed a conceptual finan-  
7 cial plan that outlines the roles of all par-  
8 ticipants in the study area, including the  
9 Federal Government; and

10 (iii) have demonstrated support for  
11 the designation of the study area;

12 (F) has a potential local coordinating enti-  
13 ty to work in partnership with the individuals  
14 and entities described in paragraph (1) to de-  
15 velop the study area while encouraging State  
16 and local economic activity; and

17 (G) has a conceptual boundary map that is  
18 supported by the public.

19 (b) REPORT.—

20 (1) IN GENERAL.—For each study carried out  
21 under subsection (a), the Secretary shall submit to  
22 the Committee on Natural Resources of the House  
23 of Representatives and the Committee on Energy  
24 and Natural Resources of the Senate a report that  
25 describes—

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

3 (B) any conclusions and recommendations  
4 of the Secretary.

5 (2) TIMING.—

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

12 (B) With respect to a study carried out by  
13 interested individuals or entities in accordance  
14 with paragraph (2)(A)(ii), the Secretary shall  
15 submit a report under subparagraph (A) not  
16 later than 180 days after the date on which the  
17 Secretary certifies under paragraph (2)(B) that  
18 the study meets the requirements of paragraph  
19 (3).

20 **SEC. 906. LOCAL COORDINATING ENTITIES.**

21 (a) DUTIES.—For any year that Federal funds have  
22 been made available under this title for a National Herit-  
23 age Area, the local coordinating entity for that National  
24 Heritage Area shall—

1           (1) submit to the Secretary an annual report  
2           that describes the activities, expenses, and income of  
3           the local coordinating entity (including grants to any  
4           other entities during the year that the report is  
5           made);

6           (2) make available to the Secretary for audit all  
7           records relating to the expenditure of Federal funds  
8           and any matching funds; and

9           (3) require, with respect to all agreements au-  
10          thorizing expenditure of Federal funds by other or-  
11          ganizations, that the organizations receiving the  
12          funds make available to the Secretary for audit all  
13          records concerning the expenditure of the funds.

14          (b) **AUTHORITIES.**—The local coordinating entity  
15          may, subject to the prior approval of the Secretary, for  
16          the purposes of preparing and implementing the approved  
17          management plan for the National Heritage Area, use  
18          Federal funds made available through this title to—

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

22                (2) enter into cooperative agreements with or  
23                provide technical assistance to the Indian Tribes,  
24                State, a local government, nonprofit organizations,  
25                Federal agencies, and other interested parties;

1           (3) hire and compensate staff, which may in-  
2           clude individuals with expertise in natural, cultural,  
3           and historic resources conservation; economic and  
4           community development; and heritage planning;

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

7           (5) contract for goods or services; and

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

12          (c) PROHIBITIONS ON THE ACQUISITION OF REAL  
13          PROPERTY.—The local coordinating entity may not use  
14          Federal funds received under this title to acquire real  
15          property or any interest in real property.

16          (d) HERITAGE AREA COMMISSIONS.—

17                 (1) Section 804(j) of division B of H.R. 5666  
18                 (Appendix D) as enacted into law by section 1(a)(4)  
19                 of Public Law 106–554 (54 U.S.C. 320101 note;  
20                 114 Stat. 2763, 2763A– 295; 123 Stat. 1294; 128  
21                 Stat. 3802) is amended by striking “shall termi-  
22                 nate” and all that follows through the period and in-  
23                 serting “shall terminate on September 30, 2034.”.

24                 (2) Section 295D(d) of Public Law 109–338  
25                 (120 Stat. 1833; 130 Stat. 962) is amended by

1 striking “shall terminate” and all that follows  
2 through the period and inserting “shall terminate on  
3 September 30, 2034.”.

4 **SEC. 907. PROPERTY OWNERS AND REGULATORY PROTEC-**  
5 **TIONS.**

6 Nothing in this title shall be construed to—

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

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

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

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

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

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

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

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

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

21 **SEC. 908. AUTHORIZATION OF APPROPRIATIONS.**

22          (a) IN GENERAL.—Notwithstanding any other provi-  
23          sion of law, for each of fiscal years 2022 through 2037,  
24          there is authorized to be appropriated not more than  
25          \$750,000 for each National Heritage Area.

1 (b) AVAILABILITY.—Amounts made available under  
2 subsection (a) shall remain available until expended.

3 (c) COST-SHARING REQUIREMENT.—

4 (1) FEDERAL SHARE.—Notwithstanding any  
5 other provision of law, including any law designating  
6 a National Heritage Area, the Federal share of the  
7 total cost of any activity funded with appropriations  
8 authorized by subsection (a) shall not be more than  
9 50 percent.

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

15 (3) EXCEPTION.—Notwithstanding section  
16 909(b), for each National Heritage Area established  
17 before the date of the enactment of this Act without  
18 a non-Federal cost share requirement or with a non-  
19 Federal cost share requirement of less than 50 per-  
20 cent—

21 (A) the non-Federal cost share require-  
22 ment, or lack thereof, shall remain at the pre-  
23 viously enacted level for 2 full fiscal years after  
24 the date of the enactment of this Act; and

1 (B) after the period referred to in subpara-  
2 graph (A), the non-Federal cost share require-  
3 ment shall increase by 10 percent annually until  
4 the non-Federal share is consistent with para-  
5 graph (1).

6 (d) **AUTHORITY TO PROVIDE ASSISTANCE.**—Notwith-  
7 standing any other provision of law, the Secretary may  
8 provide assistance to a National Heritage Area during any  
9 fiscal year for which appropriations are authorized under  
10 subsection (a).

11 **SEC. 909. STATUTORY CLARIFICATION.**

12 (a) **AUTHORIZATION LIMITATIONS.**—Any provision of  
13 law enacted before the date of the enactment of this Act  
14 that provides for a termination, expiration, or other time  
15 limitation on the authorization for a National Heritage  
16 Area is hereby superceded and shall have no effect.

17 (b) **FUNDING LIMITATIONS.**—Any provision of law  
18 enacted before the date of the enactment of this Act that  
19 provides for a termination, expiration, or other limitation  
20 on the time or amount of an authorization of appropria-  
21 tions for a National Heritage Area is hereby superceded  
22 and shall have no effect.

23 (c) **EVALUATIONS.**—Any provision of law enacted be-  
24 fore the date of the enactment of this Act that requires  
25 the Secretary to conduct an evaluation of or submit a re-

1 port on the accomplishments of a National Heritage Area  
2 is hereby superceded and shall have no effect.

3 (d) OTHER AUTHORITIES.—Any provision of law en-  
4 acted before the date of the enactment of this Act that  
5 provides for the establishment, management, administra-  
6 tion, operation, or otherwise affects a National Heritage  
7 Area and is not explicitly otherwise provided for in this  
8 title shall not be affected by this title.

