

[DISCUSSION DRAFT]116TH CONGRESS
1ST SESSION**H. R.** _____

To establish the Alabama Black Belt National Heritage Area, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SEWELL of Alabama introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Alabama Black Belt 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 “Alabama Black Belt
5 National Heritage Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) NATIONAL HERITAGE AREA.—The term
9 “National Heritage Area” means the Alabama Black

1 Belt National Heritage Area established by section
2 3.

3 (2) LOCAL COORDINATING ENTITY.—The term
4 “Local Coordinating Entity” means the manage-
5 ment entity for the National Heritage Area des-
6 ignated by section 3.

7 (3) MANAGEMENT PLAN.—The term “manage-
8 ment plan” means the management plan for the
9 Heritage Area required under section 5.

10 (4) MAP.—The term “map” means the map en-
11 titled Alabama Black Belt Heritage Area Boundary.

12 (5) SECRETARY.—The term “Secretary” means
13 the Secretary of the Interior.

14 (6) STATE.—The term “State” means the State
15 of Alabama.

16 **SEC. 3. []**.

17 (a) IN GENERAL.—There is established the Alabama
18 Black Belt National Heritage Area in the State of Ala-
19 bama, to consist of land in Bibb, Bullock, Butler, Choc-
20 taw, Clarke, Conecuh, Dallas, Greene, Hale, Lowndes,
21 Macon, Marengo, Monroe, Montgomery, Perry, Pickens,
22 Sumter, Washington, and Wilcox counties in the State, as
23 generally depicted within the management plan.

24 (b) LOCAL COORDINATING ENTITY.—The Center for
25 the Study of the Black Belt at the University of West Ala-

1 bama shall be the local coordinating entity for the Na-
2 tional Heritage Area designated by section 5.

3 **SEC. 4. ADMINISTRATION.**

4 (a) **AUTHORITIES.**—For purposes of carrying out the
5 management plan for the National Heritage Area des-
6 ignated by section 3, the Secretary, acting through the
7 local coordinating entity, may use amounts made available
8 under section 9—

9 (1) to make grants to the State or a political
10 subdivision of the State, Indian Tribes, nonprofit or-
11 ganizations, and other persons;

12 (2) to enter into cooperative agreements with,
13 or provide technical assistance to, the State or a po-
14 litical subdivision of the State, Indian Tribes, non-
15 profit organizations, and other interested parties;

16 (3) to hire and compensate staff, which shall in-
17 clude individuals with expertise in natural, cultural,
18 and historical resources protection, and heritage pro-
19 gramming;

20 (4) to obtain money or services from any source
21 including any money or services that are provided
22 under any other Federal law or program;

23 (5) to contract for goods or services; and

24 (6) to undertake to be a catalyst for any other
25 activity that furthers the National Heritage Area

1 and is consistent with the approved management
2 plan.

3 (b) DUTIES.—The local coordinating entity for the
4 National Heritage Area designated by section 3 shall—

5 (1) in accordance with section 5, prepare and
6 submit a management plan for the National Herit-
7 age Area to the Secretary;

8 (2) assist Federal agencies, the State or a polit-
9 ical subdivision of the State, Indian Tribes, regional
10 planning organizations, nonprofit organizations and
11 other interested parties in carrying out the approved
12 management plan by—

13 (A) carrying out programs and projects
14 that recognize, protect, and enhance important
15 resource values in the National Heritage Area;

16 (B) establishing and maintaining interpre-
17 tive exhibits and programs in the National Her-
18 itage Area;

19 (C) developing recreational and educational
20 opportunities in the National Heritage Area;

21 (D) increasing public awareness of, and
22 appreciation for, natural, historical, scenic, and
23 cultural resources of the National Heritage
24 Area;

1 (E) protecting and restoring historic sites
2 and buildings in the National Heritage Area
3 that are consistent with National Heritage Area
4 themes;

5 (F) ensuring that clear, consistent, and ap-
6 propriate signs identifying points of public ac-
7 cess and sites of interest are posted throughout
8 the National Heritage Area; and

9 (G) promoting a wide range of partner-
10 ships among the Federal Government, State,
11 Tribal, and local governments, organizations,
12 and individuals to further the National Herit-
13 age Area;

14 (3) consider the interests of diverse units of
15 government, businesses, organizations, and individ-
16 uals in the National Heritage Area in the prepara-
17 tion and implementation of the management plan;

18 (4) conduct meetings open to the public at least
19 semiannually regarding the development and imple-
20 mentation of the management plan;

21 (5) for any year that Federal funds have been
22 received under this subsection—

23 (A) submit to the Secretary an annual re-
24 port that describes the activities, expenses, and
25 income of the local coordinating entity (includ-

1 ing grants to any other entities during the year
2 that the report is made);

3 (B) make available to the Secretary for
4 audit all records relating to the expenditure of
5 the funds and any matching funds; and

6 (C) require, with respect to all agreements
7 authorizing expenditure of Federal funds by
8 other organizations, that the organizations re-
9 ceiving the funds make available to the Sec-
10 retary for audit all records concerning the ex-
11 penditure of the funds; and

12 (6) encourage by appropriate means economic
13 viability that is consistent with the National Herit-
14 age Area.

15 (c) PROHIBITION ON THE ACQUISITION OF REAL
16 PROPERTY.—The local coordinating entity shall not use
17 Federal funds made available under section 9 to acquire
18 real property or any interest in real property.

19 **SEC. 5. MANAGEMENT PLAN.**

20 (a) IN GENERAL.—Not later than 3 years after the
21 date of enactment of this Act, the local coordinating entity
22 of the National Heritage Area designated by section 3
23 shall submit to the Secretary for approval a proposed
24 management plan for the National Heritage Area.

25 (b) REQUIREMENTS.—The management plan shall—

1 (1) incorporate an integrated and cooperative
2 approach for the protection, enhancement, and inter-
3 pretation of the natural, cultural, historic, scenic,
4 and recreational resources of the National Heritage
5 Area;

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

8 (3) include—

9 (A) an inventory of—

10 (i) the resources located in the Na-
11 tional Heritage Area; and

12 (ii) any other property in the National
13 Heritage Area that—

14 (I) is related to the themes of the
15 National Heritage Area; and

16 (II) should be preserved, re-
17 stored, managed, or maintained be-
18 cause of the significance of the prop-
19 erty;

20 (B) comprehensive policies, strategies and
21 recommendations for conservation, funding,
22 management, and development of the National
23 Heritage Area;

24 (C) a description of actions that the Fed-
25 eral Government, State, Tribal, and local gov-

1 ernments, private organizations, and individuals
2 have agreed to take to protect the natural, his-
3 torical, cultural, scenic, and recreational re-
4 sources of the National Heritage Area;

5 (D) a program of implementation for the
6 management plan by the local coordinating en-
7 tity that includes a description of—

8 (i) actions to facilitate ongoing col-
9 laboration among partners to promote
10 plans for resource protection, restoration,
11 and construction; and

12 (ii) specific commitments for imple-
13 mentation that have been made by the
14 local coordinating entity or any govern-
15 ment, organization, or individual for the
16 first 5 years of operation;

17 (E) the identification of sources of funding
18 for carrying out the management plan;

19 (F) analysis and recommendations for
20 means by which Federal, State, local, and Trib-
21 al programs, including the role of the National
22 Park Service in the National Heritage Area,
23 may best be coordinated to carry out this sub-
24 section; and

1 (G) an interpretive plan for the National
2 Heritage Area; and

3 (4) recommend policies and strategies for re-
4 source management that consider and detail the ap-
5 plication of appropriate land and water management
6 techniques, including the development of intergov-
7 ernmental and interagency cooperative agreements
8 to protect the natural, historical, cultural, edu-
9 cational, scenic, and recreational resources of the
10 National Heritage Area.

11 (c) DEADLINE.—If a proposed management plan is
12 not submitted to the Secretary by the date that is 3 years
13 after the date of enactment of this Act, the local coordi-
14 nating entity shall be ineligible to receive additional fund-
15 ing under this Act until the date on which the Secretary
16 receives and approves the management plan.

17 (d) APPROVAL OR DISAPPROVAL OF MANAGEMENT
18 PLAN.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of receipt of the management plan
21 under section 5, the Secretary, in consultation with
22 State and Tribal governments, shall approve or dis-
23 approve the management plan.

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

4 (A) the local coordinating entity is rep-
5 resentative of the diverse interests of the Na-
6 tional Heritage Area, including Federal, State,
7 Tribal, and local governments, natural and his-
8 toric resource protection organizations, edu-
9 cational institutions, businesses, and rec-
10 reational organizations;

11 (B) the local coordinating entity has af-
12 farded adequate opportunity, including public
13 hearings, for public and governmental involve-
14 ment in the preparation of the management
15 plan; and

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

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

24 (A) advise the local coordinating entity in
25 writing of the reasons for the disapproval;

1 (B) make recommendations for revisions to
2 the management plan; and

3 (C) not later than 180 days after the re-
4 ceipt of any proposed revision of the manage-
5 ment plan from the local coordinating entity,
6 approve or disapprove the proposed revision.

7 (4) AMENDMENTS.—

8 (A) IN GENERAL.—The Secretary shall ap-
9 prove or disapprove each amendment to the
10 management plan that the Secretary determines
11 make a substantial change to the management
12 plan.

13 (B) USE OF FUNDS.—The local coordi-
14 nating entity shall not use Federal funds au-
15 thorized by this subsection to carry out any
16 amendments to the management plan until the
17 Secretary has approved the amendments.

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

19 (a) IN GENERAL.—Nothing in this Act affects the au-
20 thority of a Federal agency to provide technical or finan-
21 cial assistance under any other law.

22 (b) CONSULTATION AND COORDINATION.—The head
23 of any Federal agency planning to conduct activities that
24 may have an impact on a National Heritage Area des-
25 ignated by section 3 is encouraged to consult and coordi-

1 nate the activities with the Secretary and the local coordi-
2 nating entity to the maximum extent practicable.

3 (c) OTHER FEDERAL AGENCIES.—Nothing in this
4 Act—

5 (1) modifies, alters, or amends any law or regu-
6 lation authorizing a Federal agency to manage Fed-
7 eral land under the jurisdiction of the Federal agen-
8 cy;

9 (2) limits the discretion of a Federal land man-
10 ager to implement an approved land use plan within
11 the boundaries of a National Heritage Area des-
12 ignated by section 3; 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 a National Herit-
23 age Area designated by section 3;

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
6 Federal, State, or local law;

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

10 (4) conveys any land use or other regulatory
11 authority 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 a National Heritage
20 Area designated by section 3; 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
24 of 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 each of the National Heritage
7 Areas designated by section 3, not later than 3 years be-
8 fore the date on which authority for Federal funding ter-
9 minates for the National Heritage Area, the Secretary
10 shall—

11 (1) conduct an evaluation of the accomplish-
12 ments of the National Heritage Area; and

13 (2) prepare a report in accordance with sub-
14 section (c).

15 (b) EVALUATION.—An evaluation conducted under
16 subsection (a)(1) shall—

17 (1) assess the progress of the local management
18 entity with respect to—

19 (A) accomplishing the purposes of the au-
20 thorizing legislation for the National Heritage
21 Area; and

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

1 (2) analyze the investments of the Federal Gov-
2 ernment, State, Tribal, and local governments, and
3 private entities in the National Heritage Area to de-
4 termine the impact of the investments; and

5 (3) review the management structure, partner-
6 ship relationships, and funding of the National Her-
7 itage Area for purposes of identifying the critical
8 components for sustainability of the National Herit-
9 age Area.

10 (c) REPORT.—Based on the evaluation conducted
11 under subsection (a)(1), the Secretary shall submit to the
12 Committee on Energy and Natural Resources of the Sen-
13 ate and the Committee on Natural Resources of the House
14 of Representatives a report that includes recommendations
15 for the future role of the National Park Service, if any,
16 with respect to the National Heritage Area.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated for the National Heritage Area designated by sec-
20 tion 3 to carry out the purposes of this Act \$10,000,000,
21 of which not more than \$1,000,000 may be made available
22 in any fiscal year.

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

25 (c) COST-SHARING REQUIREMENT.—

1 (1) IN GENERAL.—The Federal share of the
2 total cost of any activity under this Act shall be not
3 more than 50 percent.

4 (2) FORM.—The non-Federal contribution of
5 the total cost of any activity under this Act may be
6 in the form of in-kind contributions of goods or serv-
7 ices fairly valued.

8 (d) TERMINATION OF AUTHORITY.—The authority of
9 the Secretary to provide assistance under this Act termi-
10 nates on the date that is 15 years after the date of enact-
11 ment of this Act.