

Union Calendar No. 298

107TH CONGRESS
2^D SESSION

H. R. 2388

[Report No. 107-498]

To establish the criteria and mechanism for the designation and support of national heritage areas.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2001

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

JUNE 11, 2002

Additional sponsor: Mr. GIBBONS

JUNE 11, 2002

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 *italie*]

[For text of introduced bill, see copy of bill as introduced on June 28, 2001]

A BILL

To establish the criteria and mechanism for the designation and support of national heritage areas.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “National Heritage Areas Policy Act”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
5 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

Sec. 4. Recommendation of areas for designation as national heritage areas.

Sec. 5. Requirements applicable to feasibility studies.

Sec. 6. Management plans.

Sec. 7. Grants for proposed national heritage areas.

Sec. 8. Grants to support designated national heritage areas.

Sec. 9. Technical assistance.

Sec. 10. Termination of designation.

Sec. 11. Private property protection.

Sec. 12. Relationship to other Federal programs.

Sec. 13. Savings provisions.

Sec. 14. Funding provisions.

6 **SEC. 2. PURPOSES.**

7 *The purposes of this Act are as follows:*

8 (1) *To establish the criteria and mechanisms for*
9 *the designation of certain areas in the United States*
10 *containing nationally important natural, historic,*
11 *and cultural resources and recreational and edu-*
12 *catinal opportunities that are geographically assem-*
13 *bled and thematically related as areas that provide*
14 *unique frameworks for understanding the great and*
15 *diverse character of the United States and the devel-*
16 *opment of communities and their surroundings as na-*
17 *tional heritage areas.*

18 (2) *To strengthen, complement, and support the*
19 *existing units of the National Park System through*

1 *the interpretation and conservation of the associated*
2 *living landscapes outside of the boundaries of those*
3 *units.*

4 (3) *To describe the extent of Federal responsibil-*
5 *ities and duties in regard to future national heritage*
6 *areas.*

7 (4) *To encourage collaboration and partnerships*
8 *among State and local governments, nonprofit organi-*
9 *zations, and the private sector, or combinations there-*
10 *of, to conserve and manage the resources and opportu-*
11 *nities in national heritage areas.*

12 (5) *To authorize Federal financial and technical*
13 *assistance to local coordinating entities to assist in*
14 *the conservation and interpretation of national herit-*
15 *age areas.*

16 **SEC. 3. DEFINITIONS.**

17 *In this Act:*

18 (1) *FEASIBILITY STUDY.*—*The term “feasibility*
19 *study” means a study conducted by the Secretary, or*
20 *conducted by one or more other interested parties and*
21 *approved by the Secretary in accordance with this*
22 *Act, regarding the feasibility of designating any pro-*
23 *posed national heritage area as a national heritage*
24 *area.*

1 (2) *LOCAL COORDINATING ENTITY.*—*The term*
2 *“local coordinating entity” means, with respect to a*
3 *national heritage area—*

4 (A) *an entity recognized by the Secretary,*
5 *but only after consultation with the chief execu-*
6 *tive officer of the State in which the national*
7 *heritage area is located (or if the area is located*
8 *in more than one State, the chief executive offi-*
9 *cers of all such States), that agrees to perform*
10 *the duties of a local coordinating entity under*
11 *this Act; or*

12 (B) *a Federal commission designated by*
13 *Congress with members appointed by the Sec-*
14 *retary to perform the duties of a local coordi-*
15 *nating entity under this Act.*

16 (3) *NATIONAL HERITAGE AREA.*—*The term “na-*
17 *tional heritage area” means an area or corridor des-*
18 *ignated by an Act of Congress as a national heritage*
19 *area.*

20 (4) *PROPOSED NATIONAL HERITAGE AREA.*—*The*
21 *term “proposed national heritage area” means an*
22 *area or corridor that has been authorized by an Act*
23 *of Congress for which the Secretary has been explicitly*
24 *authorized to conduct a study to determine the suit-*

1 *ability and feasibility of designating the area or cor-*
2 *ridor as a national heritage area.*

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

5 (6) *STATE.*—*The term “State” means each of the*
6 *Several States, the District of Columbia, Guam, the*
7 *Virgin Islands, American Samoa, the Commonwealth*
8 *of Puerto Rico, and the Commonwealth of the North-*
9 *ern Mariana Islands.*

10 (7) *UNIT OF LOCAL GOVERNMENT.*—*The term*
11 *“unit of local government” means the government of*
12 *a State, a political subdivision of a State, or an In-*
13 *dian tribe.*

14 **SEC. 4. RECOMMENDATION OF AREAS FOR DESIGNATION**
15 **AS NATIONAL HERITAGE AREAS.**

16 *The Secretary may recommend to Congress that an*
17 *area or corridor be designated as a national heritage area*
18 *only if, not later than 5 years after the Act explicitly au-*
19 *thorizing the Secretary to conduct a study to determine the*
20 *suitability and feasibility of designating the area or cor-*
21 *ridor as a national heritage area, the Secretary has—*

22 (1) *determined, based upon a feasibility study*
23 *conducted for the proposed national heritage area that*
24 *the area contains resources of national importance*

1 *and is suitable and appropriate for designation as a*
2 *national heritage area; and*

3 *(2) approved a management plan developed in*
4 *accordance with this Act for the proposed national*
5 *heritage area that includes a business plan as de-*
6 *scribed in section 6(b)(4)(G).*

7 **SEC. 5. REQUIREMENTS APPLICABLE TO FEASIBILITY STUD-**
8 **IES.**

9 *(a) STUDY PROCESS AND CONTENT.—A feasibility*
10 *study for a proposed national heritage area shall—*

11 *(1) be conducted by the Secretary or by one or*
12 *more other interested parties for the proposed na-*
13 *tional heritage area;*

14 *(2) be conducted with participation from the*
15 *public and units of local government; and*

16 *(3) include the following:*

17 *(A) Sufficient information to determine*
18 *whether the proposed national heritage area*
19 *meets the criteria specified in subsection (b).*

20 *(B) A description of the natural, historic,*
21 *and cultural resources and recreational, inter-*
22 *pretive, and educational opportunities presented*
23 *by the proposed national heritage area, includ-*
24 *ing an assessment of the quality and integrity of,*
25 *the availability of public access to, and the*

1 *themes represented by such resources and oppor-*
2 *tunities.*

3 *(C) An assessment of the interest of, and*
4 *impact of possible designation upon, potential*
5 *partners, units of government, nonprofit organi-*
6 *zations, and other private entities.*

7 *(D) A description of the boundaries and*
8 *conceptual framework for the proposed national*
9 *heritage area, if the study concludes that all or*
10 *a portion of the proposed national heritage area*
11 *is appropriate for designation as a national her-*
12 *itage area.*

13 *(E) The identity of the local coordinating*
14 *entity for the proposed national heritage area.*

15 *(b) CRITERIA FOR CONCLUDING AREA IS APPRO-*
16 *PRIATE FOR DESIGNATION.—The criteria referred to in sub-*
17 *section (a)(3)(A) are the following:*

18 *(1) ASSEMBLAGE OF RESOURCES.—The proposed*
19 *national heritage area is a cohesive assemblage of*
20 *natural, historic, cultural, or recreational resources*
21 *that—*

22 *(A) together represent distinctive aspects of*
23 *American heritage worthy of recognition, con-*
24 *servation, interpretation, and continuing use;*
25 *and*

1 (B) are best managed through partnerships
2 between private and public entities.

3 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
4 FOLKLIFE.—The proposed national heritage area re-
5 flects traditions, customs, beliefs, or folklife, or some
6 combination thereof, that are a valuable part of the
7 heritage of the United States.

8 (3) CONSERVATION OF NATURAL, CULTURAL, OR
9 HISTORIC FEATURES.—The proposed national herit-
10 age area provides outstanding opportunities to con-
11 serve natural, cultural, or historic features, or some
12 combination thereof.

13 (4) RECREATIONAL AND EDUCATIONAL OPPORTU-
14 NITIES.—The proposed national heritage area pro-
15 vides outstanding recreational and interpretive oppor-
16 tunities.

17 (5) THEMES AND INTEGRITY OF RESOURCES.—
18 The proposed national heritage area has an identifi-
19 able theme, and resources important to the theme re-
20 tain integrity capable of supporting interpretation.

21 (6) SUPPORT.—Residents, nonprofit organiza-
22 tions, other private entities, and units of local govern-
23 ment throughout the proposed national heritage area
24 demonstrate support through letters or other means
25 for designation of the proposed national heritage area

1 *as a national heritage area and for management of*
2 *the proposed national heritage area as appropriate*
3 *for such designation.*

4 *(c) COMMENTS OF STATE CHIEF EXECUTIVE OFFI-*
5 *CER.—Before submitting any feasibility study to the Con-*
6 *gress regarding a proposed national heritage area, the Sec-*
7 *retary shall solicit comments from the chief executive officer*
8 *of each State in which the proposed national heritage area*
9 *is located. The Secretary shall include in the study any*
10 *comments the Secretary receives from each relevant chief ex-*
11 *ecutive officer.*

12 *(d) SUBMISSION OF FEASIBILITY STUDY.—Upon com-*
13 *pletion or approval by the Secretary of a feasibility study,*
14 *the Secretary shall submit the study to the Committee on*
15 *Resources of the House of Representatives and the Com-*
16 *mittee on Energy and Natural Resources of the Senate. The*
17 *Secretary shall include with the study the recommendations*
18 *of the Secretary with respect to the proposed designation*
19 *to which the study relates.*

20 *(e) STUDIES BY INTERESTED PARTIES.—For the pur-*
21 *poses of any Act authorizing the Secretary to conduct a*
22 *study to determine the feasibility of designating an area*
23 *as a national heritage area, the Secretary may approve a*
24 *feasibility study submitted by one or more interested parties*
25 *in lieu of conducting the study if the feasibility study meets*

1 *the requirements of this Act unless the Act authorizing the*
2 *study explicitly exempts the study from this subsection.*

3 (f) *APPROVAL AND DISAPPROVAL OF A FEASIBILITY*
4 *STUDY.—*

5 (1) *IN GENERAL.—Not later than 90 days after*
6 *receipt of a feasibility study for a proposed national*
7 *heritage area, the Secretary shall approve or dis-*
8 *approve the study. If the Secretary has not approved*
9 *or disapproved the study within that 90-day period,*
10 *the study shall be considered approved.*

11 (2) *DISAPPROVAL AND REVISIONS.—If the Sec-*
12 *retary disapproves a feasibility study for a proposed*
13 *national heritage area, the Secretary shall advise the*
14 *entity that submitted the study, in writing, of the rea-*
15 *sons for the disapproval and shall make recommenda-*
16 *tions, if any, for a revision of the study. Not later*
17 *than 90 days after receipt of a revised feasibility*
18 *study, the Secretary shall approve or disapprove the*
19 *revised study. If the Secretary has not approved or*
20 *disapproved the revised study within that 90-day pe-*
21 *riod, the revised study shall be considered approved.*

22 **SEC. 6. MANAGEMENT PLANS.**

23 (a) *REQUIREMENTS.—In order to meet the require-*
24 *ments of this Act, a management plan for a proposed na-*
25 *tional heritage area shall be prepared by the local coordi-*

1 *nating entity for the proposed national heritage area in ac-*
2 *cordance with this section. In preparing the management*
3 *plan, the local coordinating entity shall perform each of the*
4 *following duties:*

5 (1) *MANAGEMENT PLAN.*—*Prepare and submit a*
6 *management plan reviewed by participating units of*
7 *local government within the boundaries of the pro-*
8 *posed national heritage area.*

9 (2) *COLLABORATION.*—*Collaborate with and con-*
10 *sider the interests of diverse units of government,*
11 *businesses, tourism officials, private property owners,*
12 *and nonprofit groups within the geographic area of*
13 *the proposed national heritage area in developing and*
14 *implementing such management plan.*

15 (3) *PUBLIC INVOLVEMENT.*—*Ensure regular pub-*
16 *lic involvement, including public meetings at least*
17 *annually, regarding the implementation of the man-*
18 *agement plan for the proposed national heritage area.*

19 (4) *RECORDS FOR AUDITS.*—*Make available to*
20 *the Secretary for audit, for any year in which Fed-*
21 *eral funds have been received under this Act, all*
22 *records pertaining to the expenditure of such funds*
23 *and any matching funds, and require, for all agree-*
24 *ments authorizing expenditure of Federal funds by*
25 *other organizations, that the receiving organizations*

1 *make available to the Secretary for audit all records*
2 *pertaining to the expenditure of such funds.*

3 **(b) CONTENTS OF MANAGEMENT PLAN.**—*The manage-*
4 *ment plan prepared for a proposed national heritage area*
5 *shall—*

6 (1) *present a comprehensive program for the con-*
7 *servaion, interpretation, funding, management, and*
8 *development of the proposed national heritage area*
9 *and of the historical, cultural, and natural resources*
10 *and the recreational and educational opportunities of*
11 *the proposed national heritage area, in a manner*
12 *consistent with the existing local, State, and Federal*
13 *land use laws and compatible economic viability of*
14 *the proposed national heritage area;*

15 (2) *involve residents, public agencies, and pri-*
16 *vate organizations working in the proposed national*
17 *heritage area;*

18 (3) *specify and coordinate, as of the date of the*
19 *management plan, existing and potential sources of*
20 *technical and financial assistance under this and*
21 *other Federal laws to protect, manage, and develop*
22 *the proposed national heritage area; and*

23 (4) *include—*

24 (A) *actions to be undertaken by units of*
25 *government and private organizations to protect,*

1 *conserve, and interpret the resources of the pro-*
2 *posed national heritage area;*

3 *(B) an inventory of the resources contained*
4 *in the proposed national heritage area, including*
5 *a list of any property in the proposed national*
6 *heritage area that is related to the themes of the*
7 *proposed national heritage area and that is*
8 *found to merit preservation, restoration, man-*
9 *agement, development, or maintenance because of*
10 *its natural, cultural, historical, or recreational*
11 *significance;*

12 *(C) policies for resource management with*
13 *appropriate land and water management tech-*
14 *niques, including the development of intergovern-*
15 *mental cooperative agreements, private sector*
16 *agreements, or any combination thereof, to pro-*
17 *tect the historical, cultural, recreational, and*
18 *natural resources of the proposed national herit-*
19 *age area in a manner consistent with supporting*
20 *appropriate and compatible economic viability;*

21 *(D) a program for implementation of the*
22 *management plan by the designated local coordi-*
23 *nating entity, in cooperation with its partners*
24 *and units of local government;*

1 (E) evidence that relevant State, county,
2 and local plans applicable to proposed national
3 heritage areas have been taken into consider-
4 ation;

5 (F) an analysis of ways in which local,
6 State, and Federal programs may best be coordi-
7 nated to promote the purposes of this Act; and

8 (G) a business plan that—

9 (i) describes in detail the role, oper-
10 ation, financing, and functions of the local
11 coordinating entity and of each activity in-
12 cluded in the recommendations contained in
13 the management plan; and

14 (ii) provides, to the satisfaction of the
15 Secretary, adequate assurances that the
16 local coordinating entity is likely to have
17 the financial resources necessary to imple-
18 ment the management plan for the proposed
19 heritage area, including resources to meet
20 matching requirement for grants awarded
21 under this Act.

22 (c) *PUBLIC NOTICE.*—To satisfy the requirements of
23 subsection (a)(3), the local coordinating entity shall place
24 a notice of each of its public meetings in a newspaper of
25 general circulation in the proposed national heritage area

1 *and shall make the minutes of the meeting available to the*
2 *public.*

3 *(d) APPROVAL OF THE PLAN.—The Secretary may ap-*
4 *prove the management plan for a proposed national herit-*
5 *age area only if the Secretary finds that—*

6 *(1) the management plan satisfies the require-*
7 *ments of this Act and, if implemented, would—*

8 *(A) adequately protect, conserve, or adapt-*
9 *ively reuse the significant historical, cultural,*
10 *natural, and recreational resources of the pro-*
11 *posed national heritage area; and*

12 *(B) consistent with such protection, provide*
13 *outdoor recreational opportunities and compat-*
14 *ible economic activities within the proposed na-*
15 *tional heritage area;*

16 *(2) the participating units of local government*
17 *within the boundaries of the proposed national herit-*
18 *age area have been consulted and given adequate op-*
19 *portunity to comment on the management plan;*

20 *(3) the local coordinating entity has afforded*
21 *adequate opportunity, including public hearings, for*
22 *public and governmental involvement in the prepara-*
23 *tion of the management plan; and*

24 *(4) the Secretary has received from the chief ex-*
25 *ecutive officer of each State acknowledgement that*

1 *such officer is aware of the proposed national heritage*
2 *area.*

3 *(e) APPROVAL AND DISAPPROVAL OF A MANAGEMENT*
4 *PLAN.—*

5 *(1) IN GENERAL.—Not later than 90 days after*
6 *receipt of a management plan for a proposed national*
7 *heritage area, the Secretary shall approve or dis-*
8 *approve the management plan. If the Secretary has*
9 *not approved or disapproved the management plan*
10 *within that 90-day period, the management plan*
11 *shall be considered approved.*

12 *(2) DISAPPROVAL AND REVISIONS.—If the Sec-*
13 *retary disapproves a management plan for a proposed*
14 *national heritage area, the Secretary shall advise the*
15 *entity that submitted the management plan, in writ-*
16 *ing, of the reasons for the disapproval and shall make*
17 *recommendations for a revision of the management*
18 *plan. Not later than 90 days after receipt of a revised*
19 *management plan, the Secretary shall approve or dis-*
20 *approve the revised management plan. If the Sec-*
21 *retary has not approved or disapproved the revised*
22 *management plan within that 90-day period, the re-*
23 *vised management plan shall be considered approved.*

1 **SEC. 7. GRANTS FOR PROPOSED NATIONAL HERITAGE**
2 **AREAS.**

3 (a) *AUTHORITY TO MAKE GRANTS.*—*The Secretary*
4 *may make grants for activities authorized by subsection (b).*

5 (b) *USE OF GRANTS.*—

6 (1) *AUTHORIZED USES.*—*Grants under this sec-*
7 *tion may be used for activities necessary—*

8 (A) *to conduct a feasibility study for a pro-*
9 *posed national heritage area; and*

10 (B) *to prepare a management plan for a*
11 *proposed national heritage area, including the*
12 *business plan required under section 6(b)(4)(G).*

13 (2) *PROHIBITED USES OF GRANTS.*—*Grants*
14 *under this section may not be used for—*

15 (A) *the acquisition of real property or any*
16 *interest in real property; or*

17 (B) *any other activity not specifically au-*
18 *thorized by paragraph (1).*

19 (c) *DURATION OF ELIGIBILITY FOR GRANTS.*—*The*
20 *Secretary may not provide a grant under this section for*
21 *a proposed national heritage area for any period after the*
22 *expiration of the 5-year period beginning on the date of*
23 *the enactment of the Act authorizing the feasibility study*
24 *for the proposed national heritage area.*

1 **SEC. 8. GRANTS TO SUPPORT DESIGNATED NATIONAL HER-**
2 **ITAGE AREAS.**

3 (a) *AUTHORITY TO MAKE GRANTS.*—*The Secretary*
4 *may make grants from appropriated funds to the local co-*
5 *ordinating entity for a national heritage area for activities*
6 *authorized by subsection (b).*

7 (b) *USE OF GRANTS.*—

8 (1) *AUTHORIZED USES.*—*Grants under this sec-*
9 *tion may be used by a local coordinating entity for—*

10 (A) *reports, studies, interpretive exhibits*
11 *and programs, historic preservation projects, and*
12 *other activities recommended in the management*
13 *plan for the national heritage area; and*

14 (B) *operational expenses of the local coordi-*
15 *nating entity incurred within the first 10 fiscal*
16 *years beginning after the date of the enactment*
17 *of the Act designating the national heritage area.*

18 (2) *PROHIBITED USES OF GRANTS.*—*Grants*
19 *under this section may not be used for—*

20 (A) *the acquisition of real property or any*
21 *interest in real property; or*

22 (B) *any other activity not specifically au-*
23 *thorized by paragraph (1).*

24 (c) *PROTECTION OF FEDERAL INVESTMENT.*—*The Sec-*
25 *retary shall require that each grant under this section for*
26 *the improvement, restoration, or rehabilitation of real prop-*

1 *erty shall be subject to an agreement that conversion, use,*
2 *or disposal of the project assisted with the grant for pur-*
3 *poses contrary to the purposes for which the grant was*
4 *made shall result in a right of the United States to com-*
5 *ensation from the beneficiary of the grant. Any such agree-*
6 *ment shall provide for a schedule for such compensation*
7 *based on the level of Federal investment and the anticipated*
8 *useful life of the project.*

9 *(d) DURATION OF ELIGIBILITY FOR GRANTS.—The*
10 *Secretary may not provide any grant under this section*
11 *to a local coordinating entity for any period after the expi-*
12 *ration of the 10-year period beginning on the date of the*
13 *enactment of the Act designating the national heritage area.*

14 **SEC. 9. TECHNICAL ASSISTANCE.**

15 *The Secretary may provide technical assistance on a*
16 *nonreimbursable basis—*

17 *(1) to any interested party for any activity for*
18 *which the Secretary is authorized to provide a grant*
19 *under section 7; and*

20 *(2) to local coordinating entities for any activity*
21 *for which the Secretary is authorized to provide a*
22 *grant under section 8.*

23 **SEC. 10. TERMINATION OF DESIGNATION.**

24 *(a) NOTICE OF DETERMINATION.—The Secretary shall*
25 *submit a written notice to the local coordinating entity of*

1 *a national heritage area so designated after the date of the*
2 *enactment of this Act if the Secretary determines that—*

3 *(1) implementation of the management plan for*
4 *the national heritage area has failed to meet stand-*
5 *ards set forth in the management plan; or*

6 *(2) a preponderance of the units of local govern-*
7 *ment involved in implementing the management plan*
8 *for the national heritage area no longer support such*
9 *designation.*

10 *(b) COMMENT.—Not later than 60 days after the date*
11 *that the Secretary submits a written notice under subsection*
12 *(a) to a local coordinating entity, the local coordinating*
13 *entity may submit to the Secretary written comments sup-*
14 *porting a contention that the determination under section*
15 *(a) was made in error.*

16 *(c) TERMINATION.—After considering any comments*
17 *submitted under subsection (b), if the Secretary decides that*
18 *the determination under subsection (a) was correct, the Sec-*
19 *retary shall no longer provide financial assistance under*
20 *this Act for that national heritage area.*

21 **SEC. 11. PRIVATE PROPERTY PROTECTION.**

22 *(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this*
23 *Act shall be construed to require any private property*
24 *owner to permit public access (including Federal, State, or*
25 *local government access) to such private property. Nothing*

1 *in this Act shall be construed to modify any provision of*
2 *Federal, State, or local law with regard to public access*
3 *to or use of private lands.*

4 (b) *LIABILITY.—Designation of a national heritage*
5 *area shall not be considered to create any liability, or to*
6 *have any effect on any liability under any other law, of*
7 *any private property owner with respect to any persons in-*
8 *jured on such private property.*

9 (c) *RECOGNITION OF AUTHORITY TO CONTROL LAND*
10 *USE.—Nothing in this Act shall be construed to modify any*
11 *authority of Federal, State, or local governments to regulate*
12 *land use.*

13 (d) *PARTICIPATION OF PRIVATE PROPERTY OWNERS*
14 *IN NATIONAL HERITAGE AREAS.—Nothing in this Act shall*
15 *be construed to require the owner of any private property*
16 *located within the boundaries of a national heritage area*
17 *to participate in or be associated with the national heritage*
18 *area.*

19 **SEC. 12. RELATIONSHIP TO OTHER FEDERAL PROGRAMS.**

20 (a) *OTHER ASSISTANCE NOT AFFECTED.—This Act*
21 *does not affect the authority of any Federal official to pro-*
22 *vide technical or financial assistance under any other law.*

23 (b) *NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—*
24 *The head of each Federal agency shall provide to the Sec-*
25 *retary and the local coordinating entity for a national her-*

1 itage area, to the extent practicable, advance notice of all
2 activities which may have an impact on the national herit-
3 age area.

4 **SEC. 13. SAVINGS PROVISIONS.**

5 (a) *RULES, REGULATIONS, STANDARDS, AND PERMIT*
6 *PROCESSES.*—*Except as provided in section 12(b), nothing*
7 *in this Act shall be construed to impose any environmental,*
8 *occupational, safety, or other rule, regulation, standard, or*
9 *permit process in a national heritage area that is different*
10 *from those that would be applicable if the national heritage*
11 *area had not been established.*

12 (b) *WATER AND WATER RIGHTS.*—*Nothing in this Act*
13 *shall be construed to authorize or imply the reservation or*
14 *appropriation of water or water rights.*

15 (c) *NO DIMINISHMENT OF STATE AUTHORITY.*—*Noth-*
16 *ing in this Act shall be construed to diminish the authority*
17 *of the State containing any national heritage area to man-*
18 *age fish and wildlife, including the regulation of fishing*
19 *and hunting within the national heritage area.*

20 (d) *EXISTING NATIONAL HERITAGE AREAS.*—*Nothing*
21 *in this Act shall affect any national heritage area so des-*
22 *ignated before the date of the enactment of this Act.*

23 **SEC. 14. FUNDING.**

24 (a) *AUTHORIZATION OF APPROPRIATIONS.*—

1 (1) *IN GENERAL.*—*There are authorized to be ap-*
2 *propriated for each fiscal year for grants and tech-*
3 *nical assistance for activities under section 8—*

4 (A) *not more than \$1,000,000 for any fiscal*
5 *year for each national heritage area to remain*
6 *available until expended; and*

7 (B) *not more than a total of \$10,000,000 for*
8 *each national heritage area.*

9 (2) *AMOUNTS FOR INITIAL STUDIES AND*
10 *PLANS.*—*In addition to amounts authorized in para-*
11 *graphs (1) and (3), there are authorized to be appro-*
12 *priated for each fiscal year for grants and technical*
13 *assistance for activities under section 7—*

14 (A) *not more than \$250,000 for any fiscal*
15 *year for each proposed national heritage area to*
16 *remain available until expended; and*

17 (B) *not more than a total of \$1,500,000 for*
18 *each proposed national heritage area.*

19 (3) *AMOUNTS FOR FEASIBILITY STUDIES.*—*In*
20 *addition to amounts authorized in paragraphs (1)*
21 *and (2), there is authorized to be appropriated not*
22 *more than \$250,000 for each feasibility study directed*
23 *by Congress to be completed by the Secretary.*

24 (b) *REQUIRED MATCH.*—*As a condition of providing*
25 *a grant under this section, the Secretary shall require the*

1 recipient of the grant to provide matching funds equal to
2 the amount of the grant. Recipient matching funds—

3 (1) must be from non-Federal sources; and

4 (2) may be made in the form of in-kind con-
5 tributions of goods or services fairly valued.

6 (c) *LIMIT ON FEDERAL OVERSIGHT AND ADMINISTRA-*
7 *TIVE FUNDS.*—Not more than five percent of the funds made
8 available under each of subsections (a)(1) and (a)(2) for
9 a fiscal year may be used by the Secretary for technical
10 assistance, oversight, and administrative purposes.

11 (d) *PROHIBITION ON USE OF FUNDS TO SUPPLEMENT*
12 *NATIONAL PARK SYSTEM.*—No funds authorized to be ap-
13 propriated under this section other than those authorized
14 by subsection (c) may be used to supplement funding or
15 programs at any unit of the National Park System.

16 (e) *USE OF FEDERAL FUNDS FROM OTHER*
17 *SOURCES.*—Nothing in this Act shall preclude a local co-
18 ordinating entity from using Federal funds available under
19 other Federal laws for the purposes for which those funds
20 were authorized.

21 (f) *ALLOCATION OF APPROPRIATIONS.*—Notwith-
22 standing any other provision of law, no funds appropriated
23 or otherwise made available to the Secretary to carry out
24 the purposes of this Act may be obligated or expended—

1 (1) *unless the appropriation of such funds has*
2 *been allocated in the manner prescribed by this Act;*

3 *or*

4 (2) *in excess of the amount authorized in this*
5 *Act.*

Union Calendar No. 298

107TH CONGRESS
2^D SESSION

H. R. 2388

[Report No. 107-498]

A BILL

To establish the criteria and mechanism for the designation and support of national heritage areas.

JUNE 11, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed