

106TH CONGRESS
1ST SESSION

H. R. 2532

To provide for the establishment of national heritage areas.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1999

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

A BILL

To provide for the establishment 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,*

3 **SECTION 1. SHORT TITLE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “National Heritage Areas Policy Act of 1999”.

6 (b) **PURPOSES.**—The purposes of this Act are—

7 (1) to recognize areas containing natural, his-
8 toric, scenic, and cultural resources and recreational
9 and educational opportunities that are geographi-
10 cally assembled and thematically related as areas
11 that provide unique frameworks for understanding
12 the great and diverse character of the Nation and

1 the development of communities and their sur-
2 roundings;

3 (2) to encourage State and local governments,
4 nonprofit organizations, and the private sector, or
5 combinations thereof, to conserve and manage those
6 resources and opportunities;

7 (3) to encourage within these areas a broad
8 range of economic opportunities which enhance the
9 quality of life for present and future generations;

10 (4) to designate certain national heritage areas
11 and to prescribe the methods by which additional
12 national heritage areas may be designated from time
13 to time; and

14 (5) to define the limited role of the Federal gov-
15 ernment with regard to national heritage areas.

16 (c) CRITERIA FOR DESIGNATION.—An area shall be
17 eligible for designation as a national heritage area only
18 if the area meets each of the following criteria:

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

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

1 (B) are best managed through partner-
2 ships between private and non-Federal public
3 entities.

4 (2) TRADITIONS, CUSTOMS, BELIEFS, OR
5 FOLKLIFE.—The area reflects traditions, customs,
6 beliefs, or folklife, or some combination thereof, that
7 are a valuable part of the story of the Nation.

8 (3) CONSERVATION OF NATURAL, CULTURAL,
9 OR HISTORIC FEATURES.—The area provides out-
10 standing opportunities to conserve natural, cultural,
11 or historic features, or some combination thereof.

12 (4) RECREATIONAL AND EDUCATIONAL OPPOR-
13 TUNITIES.—The area provides outstanding rec-
14 reational and educational opportunities.

15 (5) THEMES AND INTEGRITY OF RESOURCES.—
16 The area has an identifiable theme, and resources
17 important to the theme retain integrity capable of
18 supporting interpretation.

19 (6) SUPPORT.—Residents, nonprofit organiza-
20 tions, other private entities, and governments
21 throughout the proposed area demonstrate support
22 for designation of the area and for management of
23 the area as appropriate for such designation.

24 (d) DESIGNATION OF NATIONAL HERITAGE
25 AREAS.—

1 (1) METHOD OF DESIGNATION.—An area may
2 be designated as a national heritage area only by an
3 Act of Congress.

4 (2) CONDITIONS FOR DESIGNATION.—The Con-
5 gress may designate an area as a national heritage
6 area only after—

7 (A) the Secretary completes a feasibility
8 study with respect to the area, pursuant to an
9 Act of Congress that provides specific author-
10 ization for such study; and

11 (B) such study concludes that the area is
12 appropriate for designation as a national herit-
13 age area.

14 (e) FEASIBILITY STUDIES AND RECOMMENDA-
15 TIONS.—

16 (1) IN GENERAL.—The Secretary shall submit
17 (subject to paragraph (4) and the availability of non-
18 Federal contributions for 50 percent of the applica-
19 ble costs) to the Resources Committee of the House
20 of Representatives and the Energy and Natural Re-
21 sources Committee of the Senate a study on the fea-
22 sibility of designating any area as a national herit-
23 age area. Such studies shall include the rec-
24 ommendations of the Secretary with respect to the
25 designation of such national heritage areas.

1 (2) COMMENTS OF THE GOVERNOR.—Before
2 submitting any study to the Congress under para-
3 graph (1) with respect to a proposed national herit-
4 age area, the Secretary shall solicit comments from
5 the Governor of each State in which the proposed
6 national heritage area is located. The Secretary shall
7 include in such study any comments which the Sec-
8 retary receives from such Governor within 90 days
9 after the solicitation of such comments.

10 (3) CONTENT OF FEASIBILITY STUDIES.—Each
11 feasibility study completed under this subsection
12 shall include sufficient information to determine
13 whether an area meets, or has the potential to meet,
14 the criteria referred to in subsection (c). Each such
15 feasibility study shall be prepared with public par-
16 ticipation. Each such feasibility study shall include,
17 but need not be limited to, each of the following:

18 (A) RESOURCES AND OPPORTUNITIES.—A
19 description of the natural, historic, and cultural
20 resources and recreational and educational op-
21 portunities presented by the area, including an
22 assessment of the quality and integrity of, the
23 availability of public access to, and the themes
24 represented by such resources and opportuni-
25 ties.

1 (B) INTEREST AND IMPACT.—An assess-
2 ment of the interest of, and impact of possible
3 designation upon, potential partners, units of
4 government, nonprofit organizations, and other
5 private entities.

6 (C) BOUNDARIES.—A description of the
7 boundaries for the proposed national heritage
8 area.

9 (D) CONCEPTUAL FRAMEWORK.—A de-
10 scription of the conceptual framework of the
11 proposed national heritage area.

12 (4) FUNDING FOR FEASIBILITY STUDIES.—For
13 any feasibility study prepared pursuant to this sub-
14 section, the costs assumed by the Federal Govern-
15 ment shall not exceed 50 percent of the total costs
16 of completing such study. The Secretary may com-
17 plete such a feasibility study only if the remaining
18 share of such costs is provided from non-Federal
19 funds, services, or materials, or a combination there-
20 of, fairly valued as determined by the Secretary.

21 (f) DUTIES OF THE SECRETARY.—

22 (1) IN GENERAL.—The duties of the Secretary
23 pursuant to this section shall be limited to—

24 (A) completion of feasibility studies pursu-
25 ant to an Act of Congress;

1 (B) annual prioritization of grants for sub-
2 mission to the Congress based on information
3 received from Governors in which national her-
4 itage areas are located;

5 (C) distribution of grants to local coordi-
6 nating entities; and

7 (D) technical assistance, upon request, to
8 national heritage areas.

9 (2) GRANTS.—

10 (A) IN GENERAL.—The Secretary may
11 make grants with respect to any national herit-
12 age area to any local coordinating entity (as de-
13 fined in subsection (i)) for the purposes of this
14 section. The Secretary shall annually submit to
15 the Congress a prioritized list of projects at na-
16 tional heritage areas, consistent with this sec-
17 tion, based on submissions from the Governors
18 of States in which such areas are located. In es-
19 tablishing such priorities, the Secretary shall
20 consider the relative degree to which each pro-
21 posed grant meets the objectives of the Herit-
22 age Plan for the relevant national heritage area
23 and the extent to which the grant would lever-
24 age non-Federal funds.

1 (B) ELIGIBILITY FOR GRANTS.—Grants
2 may be made under this subsection with respect
3 to a national heritage area only if the Governor
4 of the State in which such Area is located (or
5 if such Area is located in more than one State,
6 the Governors of all such States, acting to-
7 gether) designates a local coordinating entity
8 for such Area.

9 (C) PERMITTED AND PROHIBITED USES OF
10 GRANTS.—

11 (i) PERMITTED USES.—Grants made
12 under this subsection may be used for re-
13 ports, studies, interpretive exhibits and
14 programs, historic preservation projects,
15 operational expenses of any local coordi-
16 nating entity for the first 3 fiscal years be-
17 ginning after the date of the designation of
18 such entity.

19 (ii) PROHIBITED USES.—Grants made
20 under this subsection may not be used
21 for—

22 (I) acquisition of real property or
23 any interest in real property; or

24 (II) any other activity not specifi-
25 cally authorized in this subsection.

1 (D) APPLICABILITY OF RESTRICTIONS TO
2 SUBGRANTS.—For purposes of subparagraph
3 (C), any subgrant made from funds received as
4 a grant (or subgrant) made under this sub-
5 section shall be treated as a grant made under
6 this subsection.

7 (E) PROTECTION OF FEDERAL INVEST-
8 MENT.—Any construction grant made under
9 this subsection shall be subject to an agreement
10 that conversion, use, or disposal of the project
11 so assisted for purposes contrary to the pur-
12 poses of this subsection shall result in a right
13 of the United States to compensation from the
14 beneficiary of the grant. Any such agreement
15 shall provide for a schedule for such compensa-
16 tion based on the level of Federal investment
17 and the anticipated useful life of the project.

18 (F) DURATION OF ELIGIBILITY FOR
19 GRANTS.—The Secretary may not provide any
20 grant under this subsection with respect to any
21 national heritage area for any period occurring
22 after the expiration of the 10-year period begin-
23 ning on the date on which the national heritage
24 area is designated.

1 (G) INELIGIBILITY FOR GRANTS AFTER 3
2 YEARS UNLESS HERITAGE PLAN SUBMITTED.—
3 The Secretary may not provide grants under
4 this subsection with respect to any national her-
5 itage area after the expiration of the 3-year pe-
6 riod beginning on the date of the designation of
7 the local coordinating entity for such area un-
8 less, before the expiration of such period—

9 (i) such entity submits a Heritage
10 Plan for the Area to each Governor of a
11 State in which such area is located, and

12 (ii) each such Governor approves the
13 Heritage Plan and at least one such Gov-
14 ernor forwards a copy of the Heritage Plan
15 to the Secretary.

16 (H) TECHNICAL ASSISTANCE.—The Sec-
17 retary may provide technical assistance with re-
18 spect to this subsection.

19 (I) PREVIOUSLY EXISTING HERITAGE
20 AREAS.—The Secretary may provide grants and
21 technical assistance under this subsection with
22 respect to any area which has been designated
23 by an Act of Congress, before the date of the
24 enactment of this Act, as a heritage area or
25 heritage corridor, as if such area or corridor

1 had been designated a national heritage area
2 under this section. The Secretary may not pro-
3 vide any grant under this subsection with re-
4 spect to any such heritage area or corridor after
5 the earlier of—

6 (i) the last day on which the area or
7 corridor is eligible for Federal funding or
8 assistance under the statute designating
9 such heritage area or corridor; or

10 (ii) the expiration of the 10-year pe-
11 riod beginning on the date of the enact-
12 ment of this Act.

13 (g) LOCAL COORDINATING ENTITY.—For purposes
14 of this subsection, the term “local coordinating entity”
15 means, with respect to any national heritage area, an enti-
16 ty designated by the Governor which agrees to perform
17 each of the following duties:

18 (1) HERITAGE PLAN.—

19 (A) PREPARATION.—The entity agrees to
20 complete a heritage plan.

21 (B) CONTENTS OF THE HERITAGE
22 PLAN.—Each heritage plan prepared pursuant
23 to this section shall present comprehensive rec-
24 ommendations for the conservation, funding,
25 management, and development of a national

1 heritage area and of the historical, cultural, and
2 natural resources and the recreational and edu-
3 cational opportunities of the area, in a manner
4 consistent with the economic viability of the
5 area. Each such heritage plan shall also include
6 a program for implementation of the heritage
7 plan by the local coordinating entity and spe-
8 cific commitments for the first 5 years of oper-
9 ation of the heritage plan.

10 (2) CONSIDERATION OF INTERESTS OF LOCAL
11 GROUPS.—The entity agrees to consider the interests
12 of diverse units of government, businesses, tourism
13 officials, private property owners, and nonprofit
14 groups within the geographic area in developing and
15 implementing the Heritage Plan for the area.

16 (3) PUBLIC MEETINGS.—The entity agrees to
17 conduct public meetings at least annually regarding
18 the implementation of the Heritage Plan for the
19 area. The local coordinating entity shall place a no-
20 tice of each such meeting in a newspaper of general
21 circulation in the area and shall make the minutes
22 of the meeting available to the public.

23 (h) PRIVATE PROPERTY PROTECTION.—

24 (1) ACCESS TO PRIVATE PROPERTY.—No provi-
25 sion of this section shall be construed to require any

1 private property owner to permit public access (or
2 Federal, State, or local government access) to such
3 private property. No provision of this section shall
4 be construed to modify any provision of Federal,
5 State, or local law with regard to public access to or
6 use of private lands. Designation of a national herit-
7 age area in accordance with this section shall not be
8 deemed to create any liability, or to have any effect
9 on any liability (under any other law), of any private
10 property owner with respect to any persons injured
11 on such private property.

12 (2) RECOGNITION OF AUTHORITY TO CONTROL
13 LAND USE.—No provision of this section shall be
14 construed to modify any authority of Federal, State,
15 or local governments to regulate land use.

16 (3) PARTICIPATION OF PRIVATE PROPERTY
17 OWNERS IN NATIONAL HERITAGE AREAS.—No provi-
18 sion of this section shall be construed to require any
19 private property owner located within the boundary
20 of any national heritage area to participate in or be
21 associated with any national heritage area.

22 (i) SAVINGS PROVISIONS.—

23 (1) RULES, REGULATIONS, STANDARDS, AND
24 PERMIT PROCESSES.—No provision of this section
25 shall be construed to impose any environmental, oc-

1 cupational, safety, or other rule, regulation, stand-
2 ard, or permit process that is different from those
3 that would be applicable had a national heritage
4 area not been established.

5 (2) WATER AND WATER RIGHTS.—No provision
6 of this section shall be construed to authorize or
7 imply the reservation or appropriation of water or
8 water rights.

9 (3) NO DIMINISHMENT OF STATE AUTHOR-
10 ITY.—No provision of this section shall be construed
11 to diminish the authority of the State containing any
12 national heritage area to manage fish and wildlife,
13 including the regulation of fishing and hunting with-
14 in the area.

15 (4) SAVINGS PROVISION FOR PREVIOUSLY DES-
16 IGNATED AREAS.—Except as specified in subsection
17 (l), no provision of this section shall be construed to
18 expand or diminish any authority contained in any
19 law that designates, before the date of the enact-
20 ment of this section, a heritage area or heritage cor-
21 ridor.

22 (j) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated annually for grants made and technical
25 assistance provided under subsection (f) not more

1 than \$10,000,000, to remain available until ex-
2 pended.

3 (2) PROHIBITION ON FEDERAL ADMINISTRA-
4 TIVE FEE.—Funds may be appropriated under this
5 section only for direct transfer by the Secretary to
6 a local coordinating entity or for feasibility studies.

7 (3) LIMITATION ON PERCENT OF COST.—Fed-
8 eral funding provided under this section for any
9 grant with respect to a national heritage area may
10 not exceed 50 percent of the total cost of the activity
11 with respect to which such grant is provided.

12 (4) LIMITATION ON TOTAL FUNDING FOR EACH
13 NATIONAL HERITAGE AREA.—Not more than a total
14 of \$10,000,000 may be made available under this
15 section with respect to each national heritage area.

16 (5) LIMITATION ON ANNUAL FUNDING FOR
17 EACH NATIONAL HERITAGE AREA.—Not more than
18 \$1,000,000 may be made available under this sec-
19 tion with respect to each national heritage area for
20 any fiscal year.

21 (6) APPLICATION OF FUNDING LIMITS TO EX-
22 ISTING AREAS.—

23 (A) IN GENERAL.—The aggregate appro-
24 priations, under this section and any other Act
25 for any fiscal year beginning after the date of

1 the enactment of this Act, to the Secretary
2 (acting through the National Park Service) for
3 any area designated before such date as a herit-
4 age area or heritage corridor may not exceed
5 the maximum amount which could have been
6 appropriated with respect to the area or cor-
7 ridor under this section for such fiscal year if
8 the area or corridor were a national heritage
9 area designated in accordance with this section.

10 (B) APPLICATION OF LIMIT ON TOTAL
11 FUNDING FOR AREA.—For purposes of para-
12 graph (4) (and subparagraph (A) as applied
13 with respect to paragraph (4)), all Federal
14 funding made available (before, on, or after the
15 date of the enactment of this section) by the
16 Secretary (acting through the National Park
17 Service) with respect to a heritage area or her-
18 itage corridor described in subparagraph (A)
19 shall be treated as funding made available
20 under this subsection.

21 (C) INCLUSION IN LIMIT ON FUNDING
22 UNDER THIS SECTION.—For purposes of the
23 \$10,000,000 limitation contained in paragraph
24 (1), all amounts appropriated to the Secretary
25 (acting through the National Park Service)

1 after the date of the enactment of this Act,
2 under this section or any other Act, for heritage
3 areas and heritage corridors described in sub-
4 paragraph (A) shall be treated as appropriated
5 under such paragraph.

6 (7) PROHIBITION ON USE OF FUNDS TO SUP-
7 PLEMENT NATIONAL PARK SYSTEM.—No funds au-
8 thorized to be appropriated under this section may
9 be used to supplement funding or programs at any
10 unit of the National Park System.

11 (k) DEFINITIONS.—For purposes of this section:

12 (1) NATIONAL HERITAGE AREA.—The term
13 “national heritage area” means a place designated
14 by the Congress where natural, cultural, historic,
15 and recreational resources combine to form a cohe-
16 sive, nationally distinctive landscape arising from
17 patterns of human activity shaped by geography.
18 These patterns make national heritage areas rep-
19 resentative of the national experience through the
20 physical features that remain and the traditions that
21 have evolved in the areas. Continued use of national
22 heritage areas by people whose traditions helped to
23 shape the landscapes enhances their significance.

24 (2) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (3) UNIT OF GOVERNMENT.—The term “unit of
2 government” means the government of a State, a
3 political subdivision of a State, or an Indian tribe.
4 For purposes of the preceding sentence, the term
5 “State” includes the District of Columbia, Guam,
6 the Virgin Islands, American Samoa, the Common-
7 wealth of Puerto Rico, or the Commonwealth of the
8 Northern Mariana Islands.

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