

108TH CONGRESS  
1ST SESSION

# H. R. 1427

To establish the criteria and mechanisms for the designation of certain areas in the United States containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as national heritage areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2003

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

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## A BILL

To establish the criteria and mechanisms for the designation of certain areas in the United States containing nationally important natural, historic, and cultural resources and recreational and educational opportunities that are geographically assembled and thematically related as areas that provide unique frameworks for understanding the great and diverse character of the United States and the development of communities and their surroundings as national heritage areas, 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,*

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

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

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. 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.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are as follows:

8 (1) To establish the criteria and mechanisms  
9 for the designation of certain areas in the United  
10 States containing nationally important natural, his-  
11 toric, and cultural resources and recreational and  
12 educational opportunities that are geographically as-  
13 sembled and thematically related as areas that pro-  
14 vide unique frameworks for understanding the great  
15 and diverse character of the United States and the  
16 development of communities and their surroundings  
17 as national heritage areas.

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

1 through the interpretation and conservation of the  
2 associated living landscapes outside of the bound-  
3 aries of those units.

4 (3) To describe the extent of Federal respon-  
5 sibilities and duties in regard to future national her-  
6 itage areas.

7 (4) To encourage collaboration and partner-  
8 ships among State and local governments, nonprofit  
9 organizations, and the private sector, or combina-  
10 tions thereof, to conserve and manage the resources  
11 and opportunities 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,  
20 or conducted by one or more other interested parties  
21 and approved by the Secretary in accordance with  
22 this Act, regarding the feasibility of designating any  
23 proposed national heritage area as a national herit-  
24 age 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  
17           “national heritage area” means an area or corridor  
18           designated by an Act of Congress as a national her-  
19           itage area.

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

1 the suitability and feasibility of designating the area  
2 or corridor 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  
6 the Several States, the District of Columbia, Guam,  
7 the Virgin Islands, American Samoa, the Common-  
8 wealth of Puerto Rico, and the Commonwealth of  
9 the Northern 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 (a) IN GENERAL.—The Secretary may recommend to  
17 Congress that an area or corridor be designated as a na-  
18 tional heritage area only if, not later than 5 years after  
19 the Act explicitly authorizing the Secretary to conduct a  
20 study to determine the suitability and feasibility of desig-  
21 nating the area or corridor as a national heritage area,  
22 the Secretary has—

23 (1) determined, based upon a feasibility study  
24 conducted for the proposed national heritage area  
25 that the area contains resources of national impor-

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

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); and

7 (3) determined that subsection (b) has been  
8 complied with and the 60 day time period referred  
9 to in subsection (b)(2) has expired.

10 (b) CONSIDERATION OF LOCAL PROPERTY OWN-  
11 ERS.—Prior to a recommendation by the Secretary that  
12 an area or corridor be designated as a national heritage  
13 area, the local coordinating entity shall—

14 (1) contact each owner of private property in  
15 writing within the boundary of the proposed national  
16 heritage area; and

17 (2) provide sufficient information to allow the  
18 property owner to make an informed decision within  
19 60 days whether or not to allow their property to be  
20 used in the activities of the designated national her-  
21 itage area.

22 **SEC. 5. REQUIREMENTS APPLICABLE TO FEASIBILITY**  
23 **STUDIES.**

24 (a) STUDY PROCESS AND CONTENT.—A feasibility  
25 study for a proposed national heritage area shall—

1           (1) be conducted by the Secretary or by one or  
2           more other interested parties for the proposed na-  
3           tional heritage area;

4           (2) be conducted with participation from the  
5           public and units of local government; and

6           (3) include the following:

7                   (A) Sufficient information to determine  
8                   whether the proposed national heritage area  
9                   meets the criteria specified in subsection (b).

10                   (B) A description of the natural, historic,  
11                   and cultural resources and recreational, inter-  
12                   pretive, and educational opportunities presented  
13                   by the proposed national heritage area, includ-  
14                   ing an assessment of the quality and integrity  
15                   of, the availability of public access to, and the  
16                   themes represented by such resources and op-  
17                   portunities.

18                   (C) An assessment of the interest of, and  
19                   impact of possible designation upon, potential  
20                   partners, units of government, nonprofit organi-  
21                   zations, and other private entities.

22                   (D) A description of the boundaries and  
23                   conceptual framework for the proposed national  
24                   heritage area, if the study concludes that all or  
25                   a portion of the proposed national heritage area

1 is appropriate for designation as a national her-  
2 itage area.

3 (E) The identity of the local coordinating  
4 entity for the proposed national heritage area.

5 (b) CRITERIA FOR CONCLUDING AREA IS APPRO-  
6 PRIATE FOR DESIGNATION.—The criteria referred to in  
7 subsection (a)(3)(A) are the following:

8 (1) ASSEMBLAGE OF RESOURCES.—The pro-  
9 posed national heritage area is a cohesive assem-  
10 blage of natural, historic, cultural, or recreational  
11 resources that—

12 (A) together represent distinctive aspects  
13 of American heritage worthy of recognition,  
14 conservation, interpretation, and continuing  
15 use; and

16 (B) are best managed through partner-  
17 ships between private and public entities.

18 (2) TRADITIONS, CUSTOMS, BELIEFS, OR  
19 FOLKLIFE.—The proposed national heritage area re-  
20 flects traditions, customs, beliefs, or folklife, or some  
21 combination thereof, that are a valuable part of the  
22 heritage of the United States.

23 (3) CONSERVATION OF NATURAL, CULTURAL,  
24 OR HISTORIC FEATURES.—The proposed national  
25 heritage area provides outstanding opportunities to



1       conserve natural, cultural, or historic features, or  
2       some combination thereof.

3               (4) RECREATIONAL AND EDUCATIONAL OPPOR-  
4       TUNITIES.—The proposed national heritage area  
5       provides outstanding recreational and interpretive  
6       opportunities.

7               (5) THEMES AND INTEGRITY OF RESOURCES.—  
8       The proposed national heritage area has an identifi-  
9       able theme, and resources important to the theme  
10      retain integrity capable of supporting interpretation.

11              (6) SUPPORT.—Residents, nonprofit organiza-  
12      tions, other private entities, and units of local gov-  
13      ernment throughout the proposed national heritage  
14      area demonstrate support through letters or other  
15      means for designation of the proposed national her-  
16      itage area as a national heritage area and for man-  
17      agement of the proposed national heritage area as  
18      appropriate for such designation.

19              (c) COMMENTS OF STATE CHIEF EXECUTIVE OFFI-  
20      CER.—Before submitting any feasibility study to the Con-  
21      gress regarding a proposed national heritage area, the  
22      Secretary shall solicit comments from the chief executive  
23      officer of each State in which the proposed national herit-  
24      age area is located. The Secretary shall include in the

1 study any comments the Secretary receives from each rel-  
2 evant chief executive officer.

3 (d) SUBMISSION OF FEASIBILITY STUDY.—Upon  
4 completion or approval by the Secretary of a feasibility  
5 study, the Secretary shall submit the study to the Com-  
6 mittee on Resources of the House of Representatives and  
7 the Committee on Energy and Natural Resources of the  
8 Senate. The Secretary shall include with the study the rec-  
9 ommendations of the Secretary with respect to the pro-  
10 posed designation to which the study relates.

11 (e) STUDIES BY INTERESTED PARTIES.—For the  
12 purposes of any Act authorizing the Secretary to conduct  
13 a study to determine the feasibility of designating an area  
14 as a national heritage area, the Secretary may approve  
15 a feasibility study submitted by one or more interested  
16 parties in lieu of conducting the study if the feasibility  
17 study meets the requirements of this Act unless the Act  
18 authorizing the study explicitly exempts the study from  
19 this subsection.

20 (f) APPROVAL AND DISAPPROVAL OF A FEASIBILITY  
21 STUDY.—

22 (1) IN GENERAL.—Not later than 90 days after  
23 receipt of a feasibility study for a proposed national  
24 heritage area, the Secretary shall approve or dis-  
25 approve the study. If the Secretary has not approved

1 or disapproved the study within that 90-day period,  
2 the study shall be considered approved.

3 (2) DISAPPROVAL AND REVISIONS.—If the Sec-  
4 retary disapproves a feasibility study for a proposed  
5 national heritage area, the Secretary shall advise the  
6 entity that submitted the study, in writing, of the  
7 reasons for the disapproval and shall make rec-  
8 ommendations, if any, for a revision of the study.  
9 Not later than 90 days after receipt of a revised fea-  
10 sibility study, the Secretary shall approve or dis-  
11 approve the revised study. If the Secretary has not  
12 approved or disapproved the revised study within  
13 that 90-day period, the revised study shall be consid-  
14 ered approved.

15 **SEC. 6. MANAGEMENT PLANS.**

16 (a) REQUIREMENTS.—In order to meet the require-  
17 ments of this Act, a management plan for a proposed na-  
18 tional heritage area shall be prepared by the local coordi-  
19 nating entity for the proposed national heritage area in  
20 accordance with this section. In preparing the manage-  
21 ment plan, the local coordinating entity shall perform each  
22 of the following duties:

23 (1) MANAGEMENT PLAN.—Prepare and submit  
24 a management plan reviewed by participating units

1 of local government within the boundaries of the  
2 proposed national heritage area.

3 (2) COLLABORATION.—Collaborate with and  
4 consider the interests of diverse units of government,  
5 businesses, tourism officials, private property own-  
6 ers, and nonprofit groups within the geographic area  
7 of the proposed national heritage area in developing  
8 and implementing such management plan.

9 (3) PUBLIC INVOLVEMENT.—Ensure regular  
10 public involvement, including public meetings at  
11 least annually, regarding the implementation of the  
12 management plan for the proposed national heritage  
13 area.

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

23 (b) CONTENTS OF MANAGEMENT PLAN.—The man-  
24 agement plan prepared for a proposed national heritage  
25 area shall—

1           (1) present a comprehensive program for the  
2           conservation, interpretation, funding, management,  
3           and development of the proposed national heritage  
4           area and of the historical, cultural, and natural re-  
5           sources and the recreational and educational oppor-  
6           tunities of the proposed national heritage area, in a  
7           manner consistent with the existing local, State, and  
8           Federal land use laws and compatible economic via-  
9           bility of the proposed national heritage area;

10          (2) involve residents, public agencies, and pri-  
11          vate organizations working in the proposed national  
12          heritage area;

13          (3) specify and coordinate, as of the date of the  
14          management plan, existing and potential sources of  
15          technical and financial assistance under this and  
16          other Federal laws to protect, manage, and develop  
17          the proposed national heritage area; and

18          (4) include—

19                (A) actions to be undertaken by units of  
20                government and private organizations to pro-  
21                tect, conserve, and interpret the resources of  
22                the proposed national heritage area;

23                (B) an inventory of the resources con-  
24                tained in the proposed national heritage area,  
25                including a list of any property in the proposed

1 national heritage area that is related to the  
2 themes of the proposed national heritage area  
3 and that is found to merit preservation, restora-  
4 tion, management, development, or maintenance  
5 because of its natural, cultural, historical, or  
6 recreational significance;

7 (C) policies for resource management with  
8 appropriate land and water management tech-  
9 niques, including the development of intergov-  
10 ernmental cooperative agreements, private sec-  
11 tor agreements, or any combination thereof, to  
12 protect the historical, cultural, recreational, and  
13 natural resources of the proposed national her-  
14 itage area in a manner consistent with sup-  
15 porting appropriate and compatible economic vi-  
16 ability;

17 (D) a program for implementation of the  
18 management plan by the designated local co-  
19 ordinating entity, in cooperation with its part-  
20 ners and units of local government;

21 (E) evidence that relevant State, county,  
22 and local plans applicable to proposed national  
23 heritage areas have been taken into consider-  
24 ation;

1 (F) an analysis of ways in which local,  
2 State, and Federal programs may best be co-  
3 ordinated to promote the purposes of this Act;  
4 and

5 (G) a business plan that—

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

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

19 (c) PUBLIC NOTICE.—To satisfy the requirements of  
20 subsection (a)(3), the local coordinating entity shall place  
21 a notice of each of its public meetings in a newspaper of  
22 general circulation in the proposed national heritage area  
23 and shall make the minutes of the meeting available to  
24 the public.

1 (d) APPROVAL OF THE PLAN.—The Secretary may  
2 approve the management plan for a proposed national her-  
3 itage area only if the Secretary finds that—

4 (1) the management plan satisfies the require-  
5 ments of this Act and, if implemented, would—

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

10 (B) consistent with such protection, pro-  
11 vide outdoor recreational opportunities and  
12 compatible economic activities within the pro-  
13 posed national heritage area;

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

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

22 (4) the Secretary has received from the chief  
23 executive officer of each State acknowledgement that  
24 such officer is aware of the proposed national herit-  
25 age area.



1       (e) APPROVAL AND DISAPPROVAL OF A MANAGE-  
2   MENT PLAN.—

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

10          (2) DISAPPROVAL AND REVISIONS.—If the Sec-  
11   retary disapproves a management plan for a pro-  
12   posed national heritage area, the Secretary shall ad-  
13   vise the entity that submitted the management plan,  
14   in writing, of the reasons for the disapproval and  
15   shall make recommendations for a revision of the  
16   management plan. Not later than 90 days after re-  
17   ceipt of a revised management plan, the Secretary  
18   shall approve or disapprove the revised management  
19   plan. If the Secretary has not approved or dis-  
20   approved the revised management plan within that  
21   90-day period, the revised management plan shall be  
22   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  
5 (b).

6 (b) **USE OF GRANTS.**—

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

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

11 (B) to prepare a management plan for a  
12 proposed national heritage area, including the  
13 business plan required under section  
14 6(b)(4)(G).

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

17 (A) the acquisition of real property or any  
18 interest in real property; or

19 (B) any other activity not specifically au-  
20 thorized by paragraph (1).

21 (c) **DURATION OF ELIGIBILITY FOR GRANTS.**—The  
22 Secretary may not provide a grant under this section for  
23 a proposed national heritage area for any period after the  
24 expiration of the 5-year period beginning on the date of  
25 the enactment of the Act authorizing the feasibility study  
26 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,  
12 and other activities recommended in the man-  
13 agement plan for the national heritage area;  
14 and

15 (B) operational expenses of the local co-  
16 ordinating entity incurred within the first 10  
17 fiscal years beginning after the date of the en-  
18 actment of the Act designating the national  
19 heritage area.

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

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

24 (B) any other activity not specifically au-  
25 thorized by paragraph (1).

1       (c) PROTECTION OF FEDERAL INVESTMENT.—The  
2 Secretary shall require that each grant under this section  
3 for the improvement, restoration, or rehabilitation of real  
4 property shall be subject to an agreement that conversion,  
5 use, or disposal of the project assisted with the grant for  
6 purposes contrary to the purposes for which the grant was  
7 made shall result in a right of the United States to com-  
8 pensation from the beneficiary of the grant. Any such  
9 agreement shall provide for a schedule for such compensa-  
10 tion based on the level of Federal investment and the an-  
11 ticipated useful life of the project.

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

18 **SEC. 9. TECHNICAL ASSISTANCE.**

19       The Secretary may provide technical assistance on a  
20 nonreimbursable basis—

21               (1) to any interested party for any activity for  
22       which the Secretary is authorized to provide a grant  
23       under section 7; and

1           (2) to local coordinating entities for any activity  
2       for which the Secretary is authorized to provide a  
3       grant under section 8.

4   **SEC. 10. TERMINATION OF DESIGNATION.**

5       (a) NOTICE OF DETERMINATION.—The Secretary  
6   shall submit a written notice to the local coordinating enti-  
7   ty of a national heritage area so designated after the date  
8   of the enactment of this Act if the Secretary determines  
9   that—

10           (1) implementation of the management plan for  
11       the national heritage area has failed to meet stand-  
12       ards set forth in the management plan; or

13           (2) a preponderance of the units of local gov-  
14       ernment involved in implementing the management  
15       plan for the national heritage area no longer support  
16       such designation.

17       (b) COMMENT.—Not later than 60 days after the  
18   date that the Secretary submits a written notice under  
19   subsection (a) to a local coordinating entity, the local co-  
20   ordinating entity may submit to the Secretary written  
21   comments supporting a contention that the determination  
22   under section (a) was made in error.

23       (c) TERMINATION.—After considering any comments  
24   submitted under subsection (b), if the Secretary decides  
25   that the determination under subsection (a) was correct,

1 the Secretary shall no longer provide financial assistance  
2 under this Act for that national heritage area.

3 **SEC. 11. PRIVATE PROPERTY PROTECTION.**

4 (a) ACCESS TO PRIVATE PROPERTY.—Nothing in  
5 this Act shall be construed to require any private property  
6 owner to permit public access (including Federal, State,  
7 or local government access) to such private property.  
8 Nothing in this Act shall be construed to modify any provi-  
9 sion of Federal, State, or local law with regard to public  
10 access to or use of private lands.

11 (b) LIABILITY.—Designation of a national heritage  
12 area shall not be considered to create any liability, or to  
13 have any effect on any liability under any other law, of  
14 any private property owner with respect to any persons  
15 injured on such private property.

16 (c) RECOGNITION OF AUTHORITY TO CONTROL LAND  
17 USE.—Nothing in this Act shall be construed to modify  
18 any authority of Federal, State, or local governments to  
19 regulate land use.

20 (d) PARTICIPATION OF PRIVATE PROPERTY OWNERS  
21 IN NATIONAL HERITAGE AREAS.—Nothing in this Act  
22 shall be construed to require the owner of any private  
23 property located within the boundaries of a national herit-  
24 age area to participate in or be associated with the na-  
25 tional heritage area.

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

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

5           (b) NOTIFICATION OF OTHER FEDERAL ACTIVI-  
6 TIES.—The head of each Federal agency shall provide to  
7 the Secretary and the local coordinating entity for a na-  
8 tional heritage area, to the extent practicable, advance no-  
9 tice of all activities which may have an impact on the na-  
10 tional heritage area.

11   **SEC. 13. SAVINGS PROVISIONS.**

12           (a) RULES, REGULATIONS, STANDARDS, AND PER-  
13 MIT PROCESSES.—Except as provided in section 12(b),  
14 nothing in this Act shall be construed to impose any envi-  
15 ronmental, occupational, safety, or other rule, regulation,  
16 standard, or permit process in a national heritage area  
17 that is different from those that would be applicable if  
18 the national heritage area had not been established.

19           (b) WATER AND WATER RIGHTS.—Nothing in this  
20 Act shall be construed to authorize or imply the reserva-  
21 tion or appropriation of water or water rights.

22           (c) NO DIMINISHMENT OF STATE AUTHORITY.—  
23 Nothing in this Act shall be construed to diminish the au-  
24 thority of the State containing any national heritage area  
25 to manage fish and wildlife, including the regulation of  
26 fishing and hunting within the national heritage area.

1 (d) EXISTING NATIONAL HERITAGE AREAS.—Noth-  
2 ing in this Act shall affect any national heritage area so  
3 designated before the date of the enactment of this Act.

4 **SEC. 14. FUNDING.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—There are authorized to be  
7 appropriated for each fiscal year for grants and  
8 technical assistance for activities under section 8—

9 (A) not more than \$1,000,000 for any fis-  
10 cal year for each national heritage area to re-  
11 main available until expended; and

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

14 (2) AMOUNTS FOR INITIAL STUDIES AND  
15 PLANS.—In addition to amounts authorized in para-  
16 graphs (1) and (3), there are authorized to be ap-  
17 propriated for each fiscal year for grants and tech-  
18 nical assistance for activities under section 7—

19 (A) not more than \$250,000 for any fiscal  
20 year for each proposed national heritage area to  
21 remain available until expended; and

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

24 (3) AMOUNTS FOR FEASIBILITY STUDIES.—In  
25 addition to amounts authorized in paragraphs (1)



1 and (2), there is authorized to be appropriated not  
2 more than \$250,000 for each feasibility study di-  
3 rected by Congress to be completed by the Secretary.

4 (b) REQUIRED MATCH.—As a condition of providing  
5 a grant under this section, the Secretary shall require the  
6 recipient of the grant to provide matching funds equal to  
7 the amount of the grant. Recipient matching funds—

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

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

11 (c) LIMIT ON FEDERAL OVERSIGHT AND ADMINIS-  
12 TRATIVE FUNDS.—Not more than five percent of the  
13 funds made available under each of subsections (a)(1) and  
14 (a)(2) for a fiscal year may be used by the Secretary for  
15 technical assistance, oversight, and administrative pur-  
16 poses.

17 (d) PROHIBITION ON USE OF FUNDS TO SUPPLE-  
18 MENT NATIONAL PARK SYSTEM.—No funds authorized to  
19 be appropriated under this section other than those au-  
20 thorized by subsection (c) may be used to supplement  
21 funding or programs at any unit of the National Park Sys-  
22 tem.

23 (e) USE OF FEDERAL FUNDS FROM OTHER  
24 SOURCES.—Nothing in this Act shall preclude a local co-  
25 ordinating entity from using Federal funds available under

1 other Federal laws for the purposes for which those funds  
2 were authorized.

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

7 (1) unless the appropriation of such funds has  
8 been allocated in the manner prescribed by this Act;  
9 or

10 (2) in excess of the amount authorized in this  
11 Act.

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