

Union Calendar No. 135

110TH CONGRESS
1ST SESSION

H. R. 713

[Report No. 110-219]

To establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2007

Ms. SLAUGHTER (for herself and Mr. REYNOLDS) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 10, 2007

Additional sponsors: Mr. HIGGINS, Mr. ARCURI, Mr. KUHL of New York, Mr. HINCHEY, Mr. BISHOP of New York, Mr. KING of New York, and Mrs. MCCARTHY of New York

JULY 10, 2007

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 italic]

[For text of introduced bill, see copy of bill as introduced on January 29, 2007]

A BILL

To establish the Niagara Falls National Heritage Area in the State of New York, 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.**

2 *This Act may be cited as the “Niagara Falls National*
3 *Heritage Area Act”.*

4 **SEC. 2. FINDINGS.**

5 *Congress finds that—*

6 *(1) Niagara Falls and the Niagara River Gorge*
7 *are natural phenomena that are—*

8 *(A) overwhelming in physical magnitude;*

9 *and*

10 *(B) deeply embedded in the popular con-*
11 *sciousness;*

12 *(2) the Niagara River Gorge is an exceptionally*
13 *scenic corridor carved by the movement of Niagara*
14 *Falls due to erosion from the original location of Ni-*
15 *agara Falls near Lewiston, New York, a process that*
16 *began more than 10,000 years ago;*

17 *(3) Niagara Falls has been a leading inter-*
18 *national tourist attraction for 200 years, influencing*
19 *the development of tourism and nature conservation*
20 *in North America;*

21 *(4) in approximately 1895, Niagara Falls be-*
22 *came the foremost source of hydroelectric power in*
23 *North America, stimulating the development of inno-*
24 *vative heavy industries in Niagara Falls and Buffalo,*
25 *New York;*

1 (5) *the 3 National Historic Landmarks along or*
2 *near the Niagara River are—*

3 (A) *the Adams Power Transformer House,*
4 *in Niagara Falls, which is the birthplace of the*
5 *modern hydroelectric power station;*

6 (B) *the Niagara Reservation, designed by*
7 *landscape architect Frederick Law Olmsted,*
8 *which is considered to be the oldest State park in*
9 *the United States; and*

10 (C) *the Colonial Niagara Historic District,*
11 *in Lewiston and Youngstown, New York, which*
12 *includes Old Fort Niagara;*

13 (6) *the Niagara River area, a boundary between*
14 *the United States and Canada—*

15 (A) *has played an important role in Indian*
16 *culture, the French and English colonial struggle*
17 *to control North America, the American Revolu-*
18 *tion, the War of 1812, and the Underground*
19 *Railroad; and*

20 (B) *reflects national differences and simi-*
21 *larities between the United States and Canada;*
22 *and*

23 (7) *although concentrated primarily along the*
24 *Niagara River in Niagara County, New York, there*
25 *are also important thematically related sites located*

1 *throughout Niagara and Erie Counties, New York,*
2 *that support and reinforce the important stories and*
3 *heritage of the Niagara region.*

4 **SEC. 3. DEFINITIONS.**

5 *In this Act:*

6 (1) *COMMISSION.*—*The term “Commission”*
7 *means the Niagara Falls National Heritage Area*
8 *Commission established by section 5(a).*

9 (2) *GOVERNOR.*—*The term “Governor” means*
10 *the Governor of the State of New York.*

11 (3) *HERITAGE AREA.*—*The term “Heritage*
12 *Area” means the Niagara Falls National Heritage*
13 *Area established by section 4(a).*

14 (4) *LOCAL COORDINATING ENTITY.*—*The term*
15 *“local coordinating entity” means the local coordi-*
16 *nating entity for the Heritage Area designated by sec-*
17 *tion 4(d)(1).*

18 (5) *MANAGEMENT PLAN.*—*The term “manage-*
19 *ment plan” means the management plan for the Her-*
20 *itage Area developed under section 6.*

21 (6) *MAP.*—*The term “map” means the map enti-*
22 *tled “Niagara Falls National Heritage Area”, num-*
23 *bered P76/80,000, and dated July 2006.*

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

1 (8) *STATE*.—*The term “State” means the State*
2 *of New York.*

3 **SEC. 4. NIAGARA FALLS NATIONAL HERITAGE AREA.**

4 (a) *ESTABLISHMENT*.—*There is established in the*
5 *State the Niagara Falls National Heritage Area.*

6 (b) *BOUNDARIES*.—*The Heritage Area shall consist*
7 *of—*

8 (1) *the area from the western boundary of the*
9 *town of Wheatfield, New York, extending to the mouth*
10 *of the Niagara River on Lake Ontario, as depicted on*
11 *the map, including—*

12 (A) *the city of Niagara Falls, New York;*

13 (B) *the villages of Youngstown and Lewis-*
14 *ton, New York; and*

15 (C) *land and water within the boundaries*
16 *of the Heritage Area in Niagara County, New*
17 *York; and*

18 (2) *any additional thematically related sites*
19 *within Erie and Niagara Counties, New York, that*
20 *are identified in the management plan under section*
21 *6(b)(6).*

22 (c) *AVAILABILITY OF MAP*.—*The map shall be on file*
23 *and available for public inspection in the appropriate of-*
24 *fices of the National Park Service.*

25 (d) *LOCAL COORDINATING ENTITY*.—

1 (1) *DESIGNATION.*—*The local coordinating enti-*
2 *ty for the Heritage Area shall be—*

3 (A) *for the 5-year period beginning on the*
4 *date of enactment of this Act, the Commission;*
5 *and*

6 (B) *on expiration of the 5-year period de-*
7 *scribed in subparagraph (A), a private nonprofit*
8 *or governmental organization designated by the*
9 *Commission.*

10 (2) *AUTHORITIES.*—*For purposes of imple-*
11 *menting the management plan, the local coordinating*
12 *entity designated under paragraph (1)(B) may use*
13 *funds made available under this Act, subject to the*
14 *prior approval of the Secretary, to—*

15 (A) *make grants to, and enter into coopera-*
16 *tive agreements with, the State (including a po-*
17 *litical subdivision of the State), nonprofit orga-*
18 *nizations, or any person;*

19 (B) *hire and compensate staff; and*

20 (C) *enter into contracts for goods and serv-*
21 *ices.*

22 (3) *DUTIES.*—*Beginning on the date described in*
23 *paragraph (1)(B), the local coordinating entity des-*
24 *ignated by the Commission under paragraph (1)(B)*
25 *shall assume the duties of the Commission described*

1 *in section 5(h), other than the duties described in*
2 *paragraphs (1) and (8) of section 5(h).*

3 **SEC. 5. NIAGARA FALLS NATIONAL HERITAGE AREA COM-**
4 **MISSION.**

5 *(a) ESTABLISHMENT.—There is established within the*
6 *Department of the Interior the Niagara Falls National Her-*
7 *itage Area Commission.*

8 *(b) MEMBERSHIP.—The Commission shall be com-*
9 *posed of 17 members, of whom—*

10 *(1) 1 member shall be the Director of the Na-*
11 *tional Park Service (or a designee);*

12 *(2) 5 members shall be appointed by the Sec-*
13 *retary, after consideration of the recommendation of*
14 *the Governor, from among individuals with knowledge*
15 *and experience of—*

16 *(A) the New York State Office of Parks,*
17 *Recreation and Historic Preservation, the Niag-*
18 *ara River Greenway Commission, the New York*
19 *Power Authority, the USA Niagara Development*
20 *Corporation, and the Niagara Tourism and Con-*
21 *vention Corporation; or*

22 *(B) any successors of the agencies described*
23 *in subparagraph (A);*

1 (3) 1 member shall be appointed by the Sec-
2 retary, after consideration of the recommendation of
3 the mayor of Niagara Falls, New York;

4 (4) 1 member shall be appointed by the Sec-
5 retary, after consideration of the recommendation of
6 the mayor of the village of Youngstown, New York;

7 (5) 1 member shall be appointed by the Sec-
8 retary, after consideration of the recommendation of
9 the mayor of the village of Lewiston, New York;

10 (6) 1 member shall be appointed by the Sec-
11 retary, after consideration of the recommendation of
12 the Tuscarora Nation;

13 (7) 1 member shall be appointed by the Sec-
14 retary, after consideration of the recommendation of
15 the Seneca Nation of Indians; and

16 (8) 6 members shall be individuals that have an
17 interest in, support for, and expertise appropriate to
18 tourism, regional planning, history and historic pres-
19 ervation, cultural or natural resource management,
20 conservation, recreation, and education, or museum
21 services, of whom—

22 (A) 4 members shall be appointed by the
23 Secretary, after consideration of the rec-
24 ommendation of the 2 members of the Senate
25 from the State; and

1 (B) 2 members shall be appointed by the
2 Secretary, after consideration of the rec-
3 ommendation of the member of the House of Rep-
4 resentatives whose district encompasses the Her-
5 itage Area.

6 (c) *TERMS; VACANCIES.*—

7 (1) *TERM.*—A member of the Commission shall
8 be appointed for a term not to exceed 5 years.

9 (2) *VACANCIES.*—

10 (A) *PARTIAL TERM.*—A member appointed
11 to fill a vacancy on the Commission shall serve
12 for the remainder of the term for which the pred-
13 ecessor of the member was appointed.

14 (B) *IN GENERAL.*—A vacancy on the Com-
15 mission shall be filled in the same manner as the
16 original appointment was made.

17 (d) *CHAIRPERSON AND VICE CHAIRPERSON.*—

18 (1) *SELECTION.*—The Commission shall select a
19 Chairperson and Vice Chairperson from among the
20 members of the Commission.

21 (2) *VICE CHAIRPERSON.*—The Vice Chairperson
22 shall serve as the Chairperson in the absence of the
23 Chairperson.

24 (e) *QUORUM.*—

1 (1) *IN GENERAL.*—*A majority of the members of*
2 *the Commission shall constitute a quorum.*

3 (2) *TRANSACTION.*—*For the transaction of any*
4 *business or the exercise of any power of the Commis-*
5 *sion, the Commission shall have the power to act by*
6 *a majority vote of the members present at any meet-*
7 *ing at which a quorum is in attendance.*

8 (f) *MEETINGS.*—

9 (1) *IN GENERAL.*—*The Commission shall meet at*
10 *least quarterly at the call of—*

11 (A) *the Chairperson; or*

12 (B) *a majority of the members of the Com-*
13 *mission.*

14 (2) *NOTICE.*—*Notice of Commission meetings*
15 *and agendas for the meetings shall be published in*
16 *local newspapers that are distributed throughout the*
17 *Heritage Area.*

18 (3) *APPLICABLE LAW.*—*Meetings of the Commis-*
19 *sion shall be subject to section 552b of title 5, United*
20 *States Code.*

21 (g) *POWERS OF THE COMMISSION.*—*To the extent that*
22 *Federal funds are appropriated, the Commission may—*

23 (1) *enter into contracts and execute any instru-*
24 *ments necessary or appropriate to carry out the pur-*
25 *poses for which the Commission is established, includ-*

1 *ing the authority to procure temporary and intermit-*
2 *tent services and administrative facilities at rates de-*
3 *termined to be reasonable by the Commission to carry*
4 *out the duties of the Commission;*

5 *(2) appoint and fix the compensation of any*
6 *staff that may be necessary to carry out the duties of*
7 *the Commission;*

8 *(3) request and accept from the head of any Fed-*
9 *eral agency, on a reimbursable or nonreimbursable*
10 *basis, any personnel of the Federal agency to the*
11 *Commission to assist in carrying out the duties of the*
12 *Commission;*

13 *(4) request and accept from the head of any*
14 *State agency or any agency of a political subdivision*
15 *of the State, on a reimbursable or nonreimbursable*
16 *basis, any personnel of the agency to the Commission*
17 *to assist in carrying out the duties of the Commis-*
18 *sion;*

19 *(5) make grants to assist in the development and*
20 *implementation of the management plan;*

21 *(6) negotiate and enter into any cooperative*
22 *agreement, lease, contract, or other arrangement with*
23 *any person, firm, association, organization, corpora-*
24 *tion, or governmental entity, including Federal,*
25 *State, tribal, and local government entities, that is*

1 *necessary to carry out the activities of the Commis-*
2 *sion;*

3 (7) *seek, accept, and dispose of gifts, bequests,*
4 *grants, or donations of money, personal property, or*
5 *services;*

6 (8) *assist in—*

7 (A) *developing educational, informational,*
8 *and interpretive programs and facilities; and*

9 (B) *any other activities that may promote*
10 *the implementation of the management plan;*

11 (9) *use the United States mails in the same*
12 *manner as other agencies of the Federal Government;*

13 (10) *establish any advisory groups that the Com-*
14 *mission determines to be necessary; and*

15 (11) *adopt, amend, and enforce bylaws and rules*
16 *governing the manner in which—*

17 (A) *the business of the Commission may be*
18 *conducted; and*

19 (B) *the powers vested in the Commission*
20 *may be exercised.*

21 (h) *DUTIES OF THE COMMISSION.—To further the pur-*
22 *poses of the Heritage Area, the Commission shall—*

23 (1) *in accordance with section 6, develop and*
24 *submit to the Secretary for approval a management*
25 *plan;*

1 (2) *assist units of local government, regional*
2 *planning organizations, and nonprofit organizations*
3 *in implementing the management plan by—*

4 (A) *carrying out programs and projects*
5 *that recognize, protect, and enhance important*
6 *resource values within the Heritage Area;*

7 (B) *establishing and maintaining interpre-*
8 *tive exhibits and programs within the Heritage*
9 *Area;*

10 (C) *developing recreational and educational*
11 *opportunities in the Heritage Area;*

12 (D) *increasing public awareness of, and ap-*
13 *preciation for, natural, historic, scenic, and cul-*
14 *tural resources of the Heritage Area;*

15 (E) *protecting and restoring historic sites*
16 *and buildings in the Heritage Area that are con-*
17 *sistent with the themes of the Heritage Area;*

18 (F) *ensuring that clear, consistent, and ap-*
19 *propriate signs identifying points of public ac-*
20 *cess and sites of interest are posted throughout*
21 *the Heritage Area; and*

22 (G) *promoting a wide range of partnerships*
23 *among governments, organizations, and individ-*
24 *uals to further the purposes of the Heritage Area;*

1 (3) *consider the interests of diverse units of gov-*
2 *ernment, businesses, organizations, and individuals*
3 *in the Heritage Area in the development and imple-*
4 *mentation of the management plan;*

5 (4) *conduct meetings open to the public regard-*
6 *ing the development and implementation of the man-*
7 *agement plan;*

8 (5) *coordinate projects, activities, and programs*
9 *with the Erie Canalway National Heritage Corridor;*

10 (6) *for any fiscal year for which Federal funds*
11 *have been received by the Commission under this*
12 *Act—*

13 (A) *submit an annual report to the Sec-*
14 *retary that describes—*

15 (i) *the specific performance goals and*
16 *accomplishments of the local coordinating*
17 *entity;*

18 (ii) *the expenses and income of the*
19 *local coordinating entity;*

20 (iii) *the amounts and sources of*
21 *matching funds;*

22 (iv) *the amounts leveraged with Fed-*
23 *eral funds and the sources of the leveraging;*
24 *and*

1 (v) any grants made to any other enti-
2 ties during the fiscal year; and

3 (B) make available to the Secretary for
4 audit any records containing information relat-
5 ing to the expenditure of Federal funds and any
6 matching funds;

7 (7) encourage, by appropriate means and con-
8 sistent with the purposes of the Heritage Area, the
9 economic viability of the Heritage Area; and

10 (8) assist in the transition of the management of
11 the Heritage Area from the Commission to the local
12 coordinating entity designated under section
13 4(d)(1)(B).

14 (i) *COMPENSATION OF MEMBERS.*—

15 (1) *IN GENERAL.*—A member of the Commission
16 shall serve without compensation.

17 (2) *TRAVEL EXPENSES.*—A member of the Com-
18 mission shall be allowed travel expenses, including
19 per diem in lieu of subsistence, at rates authorized for
20 an employee of an agency under subchapter I of chap-
21 ter 57 of title 5, United States Code, while away from
22 the home or regular place of business of the member
23 in the performance of the duties of the Commission.

24 (j) *GIFTS.*—For purposes of section 170(c) of the Inter-
25 nal Revenue Code of 1986, any gift or charitable contribu-

1 *tion to the Commission shall be considered to be a charitable*
2 *contribution or gift to the United States.*

3 *(k) USE OF FEDERAL FUNDS.—Except as provided for*
4 *the leasing of administrative facilities under subsection*
5 *(g)(1), the Commission may not use Federal funds made*
6 *available to the Commission under this Act to acquire any*
7 *real property or interest in real property.*

8 **SEC. 6. MANAGEMENT PLAN.**

9 *(a) IN GENERAL.—Not later than 3 years after the*
10 *date on which funds are first made available to carry out*
11 *this Act, the Commission shall submit to the Secretary for*
12 *approval a management plan for the Heritage Area.*

13 *(b) REQUIREMENTS.—The management plan shall—*

14 *(1) include comprehensive policies, strategies,*
15 *and recommendations for conservation, funding, man-*
16 *aging, and developing the Heritage Area;*

17 *(2) take into consideration existing State, coun-*
18 *ty, and local plans;*

19 *(3) include a description of actions that govern-*
20 *ments, private organizations, and individuals have*
21 *agreed to take to protect the natural, historic, and*
22 *cultural resources of the Heritage Area;*

23 *(4) identify any existing and potential sources of*
24 *funding or economic development strategies to protect,*
25 *manage, and develop the Heritage Area;*

1 (5) *include an inventory of the natural, historic,*
2 *scenic, cultural, educational, and recreational re-*
3 *sources of the Heritage Area relating to the themes of*
4 *the Heritage Area that should be preserved, restored,*
5 *managed, developed, or maintained;*

6 (6) *establish criteria and identify thematically*
7 *related sites in Niagara and Erie Counties, New*
8 *York, that—*

9 (A) *may participate in the Heritage Area;*

10 *and*

11 (B) *shall be included in the boundary of the*
12 *Heritage Area;*

13 (7) *include recommended policies and strategies*
14 *for resource management that consider the applica-*
15 *tion of appropriate land and water management tech-*
16 *niques, including the development of intergovern-*
17 *mental and interagency cooperative agreements to*
18 *protect the natural, historic, scenic, cultural, edu-*
19 *cational, and recreational resources of the Heritage*
20 *Area;*

21 (8) *describe a program of implementation for the*
22 *management plan, including a description of—*

23 (A) *performance goals;*

1 (B) plans for resource protection, restora-
2 tion, interpretation, enhancement, management,
3 and development; and

4 (C) any specific commitments for imple-
5 mentation that have been made by the local co-
6 ordinating entity or any government, organiza-
7 tion, or individual;

8 (9) include an analysis of, and recommendations
9 for ways in which, Federal, State, tribal, and local
10 programs would best be coordinated to further the
11 purposes of this Act, including an analysis of the role
12 of the National Park Service in the Heritage Area;

13 (10) include an interpretive plan for the Herit-
14 age Area;

15 (11) include a business plan that—

16 (A) describes the role, operation, financing,
17 and functions of—

18 (i) the local coordinating entity; and

19 (ii) each of the major activities ad-
20 dressed in the management plan; and

21 (B) provides adequate assurances that the
22 local coordinating entity has the partnerships
23 and financial and other resources necessary to
24 implement the management plan; and

25 (12) includes provisions for—

1 (A) *the designation under section 4(d)(1)(B)*
2 *of a nonprofit or governmental organization as*
3 *the local coordinating entity to administer the*
4 *Heritage Area consistent with the management*
5 *plan; and*

6 (B) *the transition of the management of the*
7 *Heritage Area from the Commission to the orga-*
8 *nization designated as the local coordinating en-*
9 *tity at the end of the 5-year period specified in*
10 *section 4(d)(1)(A).*

11 (c) *TERMINATION OF FUNDING.—If the Commission*
12 *does not submit the management plan to the Secretary by*
13 *the date that is 3 years after the date on which funds are*
14 *first made available to carry out this Act, the local coordi-*
15 *nating entity shall be ineligible to receive additional fund-*
16 *ing under this Act until the date on which the management*
17 *plan is submitted to and approved by the Secretary.*

18 (d) *APPROVAL AND DISAPPROVAL OF MANAGEMENT*
19 *PLAN.—*

20 (1) *IN GENERAL.—Not later than 180 days after*
21 *the date of receipt of the management plan under sub-*
22 *section (a), the Secretary shall approve or disapprove*
23 *the management plan.*

1 (2) *CONSIDERATIONS.*—*In determining whether*
2 *to approve or disapprove the management plan under*
3 *paragraph (1), the Secretary shall consider whether—*

4 (A) *the organization proposed to succeed the*
5 *Commission as the local coordinating entity*
6 *would be representative of the diverse interests of*
7 *the Heritage Area, including governments, nat-*
8 *ural and historic resource protection organiza-*
9 *tions, educational institutions, businesses, and*
10 *recreational organizations;*

11 (B) *the local coordinating entity has af-*
12 *forded adequate opportunity for public and gov-*
13 *ernmental involvement, including public meet-*
14 *ings, in the preparation of the management*
15 *plan;*

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

21 (D) *the Secretary has received adequate as-*
22 *surances from the appropriate State, tribal, and*
23 *local officials whose support is needed to ensure*
24 *the effective implementation of the State, tribal,*
25 *and local aspects of the management plan; and*

1 (E) the local coordinating entity has dem-
2 onstrated the financial capability, in partner-
3 ship with others, to carry out the plan.

4 (3) ACTION FOLLOWING DISAPPROVAL.—If the
5 Secretary disapproves the management plan under
6 paragraph (1), the Secretary shall—

7 (A) advise the local coordinating entity in
8 writing of the reasons for the disapproval;

9 (B) make recommendations for revisions to
10 the management plan; and

11 (C) not later than 180 days after the receipt
12 of any proposed revision of the management
13 plan, approve or disapprove the proposed revi-
14 sion.

15 (e) AMENDMENTS.—

16 (1) IN GENERAL.—The Secretary shall review
17 and approve any substantial amendments to the man-
18 agement plan in accordance with subsection (d).

19 (2) USE OF FUNDS.—Funds made available
20 under this Act shall not be expended by the local co-
21 ordinating entity to implement any changes made by
22 an amendment described in paragraph (1) until the
23 Secretary approves the amendment.

24 **SEC. 7. DUTIES AND AUTHORITIES OF THE SECRETARY.**

25 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

1 (1) *IN GENERAL.*—On request of the local coordi-
2 nating entity, the Secretary may provide technical
3 and financial assistance, on a reimbursable or non-
4 reimbursable basis, to the Heritage Area for the devel-
5 opment and implementation of the management plan.

6 (2) *COOPERATIVE AGREEMENTS.*—The Secretary
7 may enter into cooperative agreements with the local
8 coordinating entity and other public or private enti-
9 ties to provide assistance under paragraph (1).

10 (3) *PRIORITY FOR ASSISTANCE.*—In providing
11 assistance under paragraph (1), the Secretary shall
12 give priority to actions that assist in—

13 (A) conserving the significant natural, his-
14 toric, scenic, and cultural resources of the Herit-
15 age Area; and

16 (B) providing educational, interpretive, and
17 recreational opportunities, consistent with the
18 purposes of the Heritage Area.

19 (b) *DETAIL OF DEPARTMENT OF THE INTERIOR EM-*
20 *PLOYEES.*—

21 (1) *IN GENERAL.*—On request of the Commis-
22 sion, the Secretary may detail to the Commission for
23 each fiscal year in which the Commission is in exist-
24 ence, on a nonreimbursable basis, 2 employees of the

1 *Department of the Interior to enable the Commission*
2 *to carry out the duties of the Commission.*

3 (2) *CIVIL SERVICE STATUS.*—*The detail of an*
4 *employee under paragraph (1) shall be without inter-*
5 *ruption or loss of civil service status or privilege.*

6 (c) *EVALUATION.*—

7 (1) *IN GENERAL.*—*Not later than 3 years before*
8 *the date on which authority for Federal funding ter-*
9 *minates for the Heritage Area, the Secretary shall*
10 *conduct an evaluation of the accomplishments of the*
11 *Heritage Area and prepare a report with rec-*
12 *ommendations for the National Park Service’s future*
13 *role, if any, with respect to the Heritage Area.*

14 (2) *EVALUATION COMPONENTS.*—*An evaluation*
15 *prepared under paragraph (1) shall—*

16 (A) *assess the progress of the local coordi-*
17 *nating entity with respect to—*

18 (i) *accomplishing the purposes of the*
19 *authorizing legislation for the Heritage*
20 *Area; and*

21 (ii) *achieving the goals and objectives*
22 *of the approved management plan for the*
23 *Heritage Area;*

24 (B) *analyze the Federal, State, local, and*
25 *private investments in the Heritage Area to de-*

1 *termine the leverage and impact of the invest-*
2 *ments; and*

3 *(C) review the management structure, part-*
4 *nership relationships, and funding of the Herit-*
5 *age Area for purposes of identifying the critical*
6 *components for sustainability of the Heritage*
7 *Area.*

8 *(3) RECOMMENDATIONS.—Based upon the eval-*
9 *uation under paragraph (1), the Secretary shall pre-*
10 *pare a report with recommendations for the National*
11 *Park Service’s future role, if any, with respect to the*
12 *Heritage Area. If the report recommends that Federal*
13 *funding for the Heritage Area be reauthorized, the re-*
14 *port shall include an analysis of—*

15 *(A) ways in which Federal funding for the*
16 *Heritage Area may be reduced or eliminated;*
17 *and*

18 *(B) the appropriate time period necessary*
19 *to achieve the recommended reduction or elimi-*
20 *nation.*

21 *(4) SUBMISSION TO CONGRESS.—On completion*
22 *of a report under this subsection, the Secretary shall*
23 *submit the report to—*

24 *(A) the Committee on Energy and Natural*
25 *Resources of the Senate; and*

1 (B) the Committee on Natural Resources of
2 the House of Representatives.

3 **SEC. 8. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

4 (a) *IN GENERAL.*—This Act shall not affect the author-
5 *ity of any Federal official to provide technical or financial*
6 *assistance under any other law.*

7 (b) *CONSULTATION AND COORDINATION.*—The head of
8 *any Federal agency planning to conduct an activity that*
9 *may have an impact on the Heritage Area shall, to the max-*
10 *imum extent practicable—*

11 (1) *consult with the Secretary and the local co-*
12 *ordinating entity regarding the activity; and*

13 (2) *coordinate the activity with the Secretary*
14 *and the local coordinating entity.*

15 (c) *EFFECT ON OTHER FEDERAL AGENCIES.*—Nothing
16 *in this Act—*

17 (1) *modifies, alters, or amends any law (includ-*
18 *ing a regulation) authorizing a Federal agency to*
19 *manage Federal land under the jurisdiction of the*
20 *Federal agency;*

21 (2) *limits the discretion of a Federal land man-*
22 *ager to implement an approved land use plan within*
23 *the boundaries of the Heritage Area; or*

1 (3) *modifies, alters, or amends any authorized*
2 *use of Federal land under the jurisdiction of a Fed-*
3 *eral agency.*

4 **SEC. 9. PRIVATE PROPERTY AND REGULATORY PROTEC-**
5 **TIONS.**

6 *Nothing in this Act—*

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

11 (2) *requires any property owner to permit public*
12 *access (including access by Federal, State, or local*
13 *agencies) to the property of the property owner, or to*
14 *modify public access or use of property of the prop-*
15 *erty owner under any other Federal, State, or local*
16 *law;*

17 (3) *alters any duly adopted land use regulation,*
18 *approved land use plan, or other regulatory authority*
19 *of any Federal, State, or local agency, or conveys any*
20 *land use or other regulatory authority to any local co-*
21 *ordinating entity;*

22 (4) *authorizes or implies the reservation or ap-*
23 *propriation of water or water rights;*

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

4 (6) *creates any liability, or affects any liability*
5 *under any other law, of any private property owner*
6 *with respect to any person injured on the private*
7 *property.*

8 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) *IN GENERAL.*—*There is authorized to be appro-*
10 *priated to carry out this Act \$10,000,000, of which not more*
11 *than \$1,000,000 may be appropriated for any fiscal year.*

12 (b) *COST-SHARING REQUIREMENT.*—*The Federal*
13 *share of the cost of any activity carried out using any as-*
14 *sistance made available under this Act shall be not more*
15 *than 50 percent.*

16 **SEC. 11. TERMINATION OF AUTHORITY.**

17 *The authority of the Secretary to provide financial as-*
18 *sistance under this Act terminates on the date that is 15*
19 *years after the date of enactment of this Act.*

Union Calendar No. 135

110TH CONGRESS
1ST Session

H. R. 713

[Report No. 110-219]

A BILL

To establish the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

JULY 10, 2007

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