

[(5) participation in State planning forums and planning groups;

[(6) coordination of Federal water management planning efforts;

[(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

[(8) provision of scientific and technical specialists to support State and local activities.

[(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

[(1) \$5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rio Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

[(2) \$1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

[(3) \$1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

[(4) \$4,500,000 for statewide digital orthophotography mapping; and

[(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

[(d) NON-REIMBURSABLE AND NO COST-SHARING.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis and without a cost-sharing requirement.

[(e) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[(There is authorized to be appropriated to carry out this Act \$2,500,000 for each of fiscal years 2005 through 2009.)]

SECTION 1. SHORT TITLE.

This Act may be cited as the “New Mexico Water Planning Assistance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term “State” means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) \$5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) \$1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) \$1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) \$4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$3,000,000 for each of fiscal years 2005 through 2009.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2460), as amended, was read the third time and passed.

LAKE NIGHTHORSE

The Senate proceeded to consider the bill (S. 2508) to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Insert the part shown in italic.)

S. 2508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING OF RESERVOIR.

The reservoir known as the “Ridges Basin Reservoir” located on Basin Creek, a tributary of the Animas River in Colorado, constructed under section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (102 Stat. 2975; 114 Stat. 2763A–260), shall be known and designated as “Lake Nighthorse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the reservoir referred to in section 1 shall be deemed to be a reference to Lake Nighthorse.

The committee amendment was agreed to.

The bill (S. 2508), as amended, was read the third time and passed.

CHIMAYO WATER SUPPLY SYSTEM AND ESPANOLA FILTRATION FACILITY ACT OF 2004

The Senate proceeded to consider the bill (S. 2511) to direct the Secretary of the Interior to conduct a feasibility study of a Chimayo water supply system, to provide for the planning, design, and construction of a water supply, reclamation, and filtration facility for Espanola, New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the “Chimayo Water Supply System and Espanola Filtration Facility Act of 2004”.

[TITLE I—CHIMAYO WATER SUPPLY SYSTEM

[SEC. 101. DEFINITIONS.

[In this title:

[(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[(2) STUDY AREA.—The term “study area” means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

[(3) SYSTEM.—The term “system” means a water supply system described in section 102(a).

[(4) TOWN.—The term “Town” means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

[SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

[(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

[(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

[(1) consider operating the system in connection with the Espanola Water Filtration Facility;

[(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

[(3) consider reusing or recycling water from local or regional sources;

[(4) consider using alternative water supplies such as surface water, brackish water, nonpotable water, or deep aquifer groundwater; and

[(5) determine the total lifecycle costs of the system, including—

[(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

[(B) management costs (including personnel costs).

[(C) DEADLINE FOR STUDY.—As soon as practicable after the date of enactment of this Act, but not later than 3 years after the date of the enactment of this Act, the Secretary shall complete the study.

[(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

[(e) EASEMENTS; DRILLING.—

[(1) EASEMENTS.—The Secretary may reserve any easements on Bureau of Land Management land adjacent to the study area that are necessary to carry out this section.

[(2) DRILLING.—The Secretary, in cooperation with the Director of the United States Geological Survey, may drill any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

[(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study as soon as practicable after the date of enactment of this Act, but not later than the earlier of—

[(1) the date that is 1 year after the date of completion of the feasibility study; or

[(2) the date that is 4 years after the date of enactment of this Act.

[SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

[(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

[(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

[(1) hauling water;

[(2) the installation of water purification technology at the community wells or individual point-of-use;

[(3) the drilling of wells;

[(4) the installation of pump stations and storage reservoirs;

[(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

[(6) the engineering, design, and installation of an emergency water supply system; and

[(7) any other eligible activity, as the Secretary determines to be appropriate.

[(c) COST SHARING.—The Federal share of the cost of any activity assisted under this section shall be 75 percent.

[SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There is authorized to be appropriated—

[(1) to carry out section 102, \$2,000,000 for the period of fiscal years 2005 through 2008; and

[(2) to carry out section 103, \$3,000,000 for the period of fiscal years 2005 through 2010.

[(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

[TITLE II—ESPANOLA WATER FILTRATION FACILITY

[SEC. 201. DEFINITIONS.

In this title:

[(1) COMPONENT.—The term “component” means a water delivery resource or infrastructure development described in section 202(b).

[(2) FACILITY.—The term “facility” means the Espanola water filtration facility described in section 202(a).

[(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

[SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

[(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola, New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

[(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

[(A) presedimentation basins for removal of sediments;

[(B) an influent pump station to supply water into treatment facilities;

[(C) a pretreatment facility;

[(D) filtration facilities;

[(E) finished water storage facilities;

[(F) a finished water booster pump station;

[(G) sludge dewatering facilities; and

[(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

[(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

[(b) PARTICIPATION.—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery resource and infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

[(c) COST SHARING.—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

[(d) LIMITATION ON USE OF FUNDS.—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

[SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated for the construction of the facility \$3,000,000 for the period of fiscal years 2005 through 2009.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chimayo Water Supply System and Espanola Filtration Facility Act of 2004”.

TITLE I—CHIMAYO WATER SUPPLY SYSTEM

SEC. 101. DEFINITIONS.

In this title:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “study area” means the Santa Cruz River Valley in the eastern margin of the Espanola Basin.

(3) SYSTEM.—The term “system” means a water supply system described in section 102(a).

(4) TOWN.—The term “Town” means the town of Chimayo, New Mexico, located in Rio Arriba County and Santa Fe County, New Mexico.

SEC. 102. CHIMAYO WATER SUPPLY SYSTEM FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in cooperation with appropriate State and local authorities, shall conduct a study to determine the feasibility of constructing a water supply system for the Town in the study area that includes potable water transmission lines, pump stations, and storage reservoirs.

(b) SCOPE OF STUDY.—In conducting the study under subsection (a), the Secretary shall—

(1) consider operating the system in connection with the Espanola Water Filtration Facility;

(2) consider various options for supplying water to the Town, including connection to a regional water source, local sources, sources distributed throughout the Town, and sources located on adjacent Bureau of Land Management land;

(3) consider reusing or recycling water from local or regional sources;

(4) consider using alternative water supplies such as surface water, brackish water, non-potable water, or deep aquifer groundwater; and

(5) determine the total lifecycle costs of the system, including—

(A) long-term operation, maintenance, replacement, and treatment costs of the system; and

(B) management costs (including personnel costs).

(c) DEADLINE FOR STUDY.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall complete the study.

(d) COST SHARING.—The Federal share of the cost of the study shall be 75 percent.

(e) COORDINATION.—The Secretary shall coordinate activities of the Bureau of Reclamation, the Bureau of Land Management, and the United States Geological Survey in the furtherance of the study, including—

(1) accessing any Bureau of Land Management land adjacent to the study area that is necessary to carry out this section; and

(2) the drilling of any exploratory wells on Bureau of Land Management land adjacent to the study area that are necessary to determine water resources available for the Town.

(f) REPORT.—The Secretary shall submit to Congress a report on the results of the feasibility study not later than the earlier of—

(1) the date that is 1 year after the date of completion of the feasibility study; or

(2) the date that is 4 years after the date of enactment of this Act.

SEC. 103. EMERGENCY WATER SUPPLY DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—The Secretary may enter into contracts with water authorities in the study area to provide emergency water supply development assistance to any eligible person or entity, as the Secretary determines to be appropriate.

(b) ELIGIBLE ACTIVITIES.—The Secretary may provide assistance under subsection (a) for—

(1) hauling water;

(2) the installation of water purification technology at the community wells or individual point-of-use;

(3) the drilling of wells;

(4) the installation of pump stations and storage reservoirs;

(5) the installation of transmission and distribution pipelines to bring water to individual residential service connections;

(6) the engineering, design, and installation of an emergency water supply system; and

(7) any other eligible activity, as the Secretary determines to be appropriate.

(c) COST SHARING.—The Federal share of the cost of any activity under this section shall be 75 percent.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated—

(1) to carry out section 102, \$2,000,000 for the period of fiscal years 2005 through 2008; and

(2) to carry out section 103, \$3,000,000 for the period of fiscal years 2005 through 2010.

(b) LIMITATION.—Amounts made available under subsection (a)(1) shall not be available for the construction of water infrastructure for the system.

TITLE II—ESPANOLA WATER FILTRATION FACILITY

SEC. 201. DEFINITIONS.

In this title:

(1) COMPONENT.—The term “component” means a water delivery infrastructure development described in section 202(b).

(2) FACILITY.—The term “facility” means the Espanola water filtration facility described in section 202(a).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

SEC. 202. ESPANOLA WATER FILTRATION FACILITY.

(a) IN GENERAL.—The Secretary shall provide financial assistance to the city of Espanola,

New Mexico, for the construction of an Espanola water filtration facility consisting of projects—

(1) to divert and fully use imported water to meet future demands in the greater Espanola, New Mexico region, including construction of—

(A) presedimentation basins for removal of sediments;

(B) an influent pump station to supply water into treatment facilities;

(C) a pretreatment facility;

(D) filtration facilities;

(E) finished water storage facilities;

(F) a finished water booster pump station;

(G) sludge dewatering facilities; and

(H) potable water transmission lines to connect into the water distribution facilities of the city of Espanola, New Mexico; and

(2) to use reclaimed water to enhance groundwater resources and surface water supplies.

(b) **PARTICIPATION.**—The Secretary may provide financial assistance to the Santa Clara and San Juan Pueblos of New Mexico and the non-Federal sponsors of the facility for the study, planning, design, and construction of a water delivery infrastructure development for the Santa Clara and San Juan Pueblos as a component of the facility.

(c) **COST SHARING.**—The Federal share of the total cost of the facility and the component shall not exceed 25 percent.

(d) **LIMITATION ON USE OF FUNDS.**—Funds provided by the Secretary may not be used for the operation or maintenance of the facility or the component.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the construction of the facility \$3,000,000 for the period of fiscal years 2005 through 2009.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2511), as amended, was read the third time and passed.

NATIONAL HERITAGE PARTNERSHIP ACT

The Senate proceeded to consider the bill (S. 2543) to establish a program and criteria for National Heritage Areas in the United States, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.]

[(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Partnership Act”.]

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

[Sec. 1. Short title; table of contents.]

[Sec. 2. Definitions.]

[Sec. 3. National Heritage Areas program.]

[Sec. 4. Suitability-feasibility studies.]

[Sec. 5. Management plans.]

[Sec. 6. Local coordinating entities.]

[Sec. 7. Relationship to other Federal agencies.]

[Sec. 8. Private property and regulatory protections.]

[Sec. 9. Authorization of appropriations.]

[SEC. 2. DEFINITIONS.]

[In this Act:

[(1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the entity designated by Congress—

[(A) to develop, in partnership with others, the management plan for a National Heritage Area; and

[(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.]

[(2) **MANAGEMENT PLAN.**—The term “management plan” means the plan prepared by the local coordinating entity for a National Heritage Area designated by Congress that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with section 5.]

[(3) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means an area designated by Congress that is nationally significant to the heritage of the United States and meets the criteria established under section 4(a).]

[(4) **NATIONAL SIGNIFICANCE.**—The term “national significance” means possession of—

[(A) unique natural, historical, cultural, educational, scenic, or recreational resources of exceptional value or quality; and

[(B) a high degree of integrity of location, setting, or association in illustrating or interpreting the heritage of the United States.]

[(5) **PROGRAM.**—The term “program” means the National Heritage Areas program established under section 3(a).]

[(6) **PROPOSED NATIONAL HERITAGE AREA.**—The term “proposed National Heritage Area” means an area under study by the Secretary or other parties for potential designation by Congress as a National Heritage Area.]

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

[(8) **SUITABILITY-FEASIBILITY STUDY.**—The term “suitability-feasibility study” means a study conducted by the Secretary, or conducted by 1 or more other interested parties and reviewed by the Secretary, in accordance with the criteria and processes established under section 4, to determine whether an area meets the criteria to be designated as a National Heritage Area by Congress.]

[SEC. 3. NATIONAL HERITAGE AREAS PROGRAM.]

[(a) **IN GENERAL.**—Subject to the availability of funds, the Secretary shall establish a National Heritage Areas program under which the Secretary shall provide technical and financial assistance to local coordinating entities to support the establishment of National Heritage Areas.]

[(b) **DUTIES.**—Under the program, the Secretary shall—

[(1)(A) conduct suitability-feasibility studies, as directed by Congress, to assess the suitability and feasibility of designating proposed National Heritage Areas; or

[(B) review and comment on suitability-feasibility studies undertaken by other parties to make such assessment;

[(2) provide technical assistance, on a reimbursable or non-reimbursable basis (as determined by the Secretary), for the development and implementation of management plans for designated National Heritage Areas;

[(3) enter into cooperative agreements with interested parties to carry out this Act;

[(4) provide information, promote understanding, and encourage research on National Heritage Areas in partnership with local coordinating entities;

[(5) provide national oversight, analysis, coordination, and technical assistance and support to ensure consistency and accountability under the program; and

[(6) submit annually to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the allocation and expenditure of funds for activities conducted with respect to National Heritage Areas under this Act.]

[SEC. 4. SUITABILITY-FEASIBILITY STUDIES.]

[(a) **CRITERIA.**—In conducting or reviewing a suitability-feasibility study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating a proposed National Heritage Area:

[(1) An area—

[(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally significant to the heritage of the United States;

[(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

[(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

[(D) reflects traditions, customs, beliefs, and folklore that are a valuable part of the heritage of the United States;

[(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

[(F) provides outstanding recreational or educational opportunities; and

[(G) has resources and traditional uses that have national significance.]

[(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.]

[(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.]

[(4) The proposed local coordinating entity and units of government supporting the designation are willing and have documented a significant commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.]

[(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.]

[(6) The proposal is consistent with continued economic activity within the area.]

[(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.]

[(b) **CONSULTATION.**—In conducting or reviewing a suitability-feasibility study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the suitability-feasibility study before making a determination for designation.]

[(c) **TRANSMITTAL.**—On completion or receipt of a suitability-feasibility study for a National Heritage Area, the Secretary shall—

[(1) review, comment, and make findings (in accordance with the criteria specified in subsection (a)) on the feasibility of designating the National Heritage Area;

[(2) consult with the Governor of each State in which the proposed National Heritage Area is located; and

[(3) transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, the suitability-feasibility study, including—

[(A) any comments received from the Governor of each State in which the proposed National Heritage Area is located; and

[(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.]

[(d) **DISAPPROVAL.**—