

SUSQUEHANNA NATIONAL HERITAGE AREA ACT

MAY 11, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 2991]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2991) to establish the Susquehanna National Heritage Area in the State of Pennsylvania, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Susquehanna National Heritage Area Act”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) HERITAGE AREA.—The term “Heritage Area” means the Susquehanna National Heritage Area established by section 3(a).
- (2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 4(a).
- (3) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the local coordinating entity under section 5(a).
- (4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (5) STATE.—The term “State” means the State of Pennsylvania.

SEC. 3. SUSQUEHANNA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Susquehanna National Heritage Area in the State.

(b) BOUNDARIES.—The Heritage Area shall include Lancaster and York Counties, Pennsylvania.

SEC. 4. DESIGNATION OF LOCAL COORDINATING ENTITY.

(a) LOCAL COORDINATING ENTITY.—The Susquehanna Heritage Corporation, a nonprofit organization established under the laws of the State, shall be the local coordinating entity for the Heritage Area.

(b) **AUTHORITIES OF LOCAL COORDINATING ENTITY.**—The local coordinating entity may, for purposes of preparing and implementing the management plan—

- (1) prepare reports, studies, interpretive exhibits and programs, historic preservation projects, and other activities recommended in the management plan for the Heritage Area;
- (2) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;
- (3) enter into cooperative agreements with the State, political subdivisions of the State, nonprofit organizations, and other organizations;
- (4) hire and compensate staff;
- (5) obtain funds or services from any source, including funds and services provided under any Federal program or law, in which case the Federal share of the cost of any activity carried out using Federal funds shall not be more than 50 percent; and
- (6) to contract for goods and services.

(c) **DUTIES OF LOCAL COORDINATING ENTITY.**—To further the purposes of the Heritage Area, the local coordinating entity shall—

- (1) prepare a management plan for the Heritage Area in accordance with section 5;
- (2) give priority to the implementation of actions, goals, and strategies set forth in the management plan, including assisting units of government and other persons in—
 - (A) carrying out programs and projects that recognize and protect important resource values in the Heritage Area;
 - (B) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;
 - (C) establishing and maintaining interpretive exhibits in the Heritage Area;
 - (D) developing heritage-based recreational and educational opportunities for residents and visitors in the Heritage Area;
 - (E) increasing public awareness of and appreciation for the natural, historic, and cultural resources of the Heritage Area;
 - (F) restoring historic buildings that are—
 - (i) located in the Heritage Area; and
 - (ii) related to the themes of the Heritage Area; and
 - (G) installing throughout the Heritage Area clear, consistent, and appropriate signs identifying public access points and sites of interest;
- (3) consider the interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the Heritage Area in developing and implementing the management plan;
- (4) conduct public meetings at least semiannually regarding the development and implementation of the management plan; and
- (5) for any fiscal year for which Federal funds are expended for the Heritage Area—
 - (A) submit to the Secretary an annual report that describes—
 - (i) the accomplishments of the local coordinating entity;
 - (ii) the expenses and income of the local coordinating entity; and
 - (iii) the entities to which the local coordinating entity made any grants;
 - (B) make available for audit all records relating to the expenditure of the Federal funds and any matching funds; and
 - (C) require, with respect to all agreements authorizing the expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records relating to the expenditure of the Federal funds.

(d) **PROHIBITION ON ACQUISITION OF REAL PROPERTY.**—

- (1) **IN GENERAL.**—The local coordinating entity shall not use Federal funds to acquire real property or any interest in real property.
- (2) **OTHER SOURCES.**—Nothing in this Act precludes the local coordinating entity from using funds from other sources for authorized purposes, including the acquisition of real property or any interest in real property.

SEC. 5. MANAGEMENT PLAN.

(a) **IN GENERAL.**—Not later than 3 years after the date on which funds are first made available to carry out this Act, the local coordinating entity shall prepare and submit to the Secretary a management plan for the Heritage Area.

(b) **CONTENTS.**—The management plan for the Heritage Area shall—

- (1) include comprehensive policies, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(2) include a description of actions and commitments that governments, private organizations, and citizens will take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(3) describe a program of implementation for the management plan that includes—

- (A) performance goals and ongoing performance evaluation;
 - (B) plans for resource protection, enhancement and interpretation; and
 - (C) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business or individual;
- (4) include an interpretative plan for the Heritage Area;
- (5) take into consideration existing State, county, and local plans;
- (6) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area;
- (7) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained; and
- (8) include an analysis of, and recommendations for, ways in which Federal, State, and local programs, may best be coordinated to further the purposes of this Act, including recommendations for the role of the National Park Service in the Heritage Area.

(c) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) **IN GENERAL.**—Not later than 180 days after the date on which the local coordinating entity submits the management plan to the Secretary, the Secretary shall approve or disapprove the proposed management plan.

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

- (A) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;
- (B) the local coordinating entity has provided adequate opportunities (including public meetings) for public and governmental involvement in the preparation of the management plan;
- (C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area; and
- (D) the management plan is supported by the appropriate State and local officials, the cooperation of which is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) DISAPPROVAL AND REVISIONS.—

(A) **IN GENERAL.**—If the Secretary disapproves a proposed management plan, the Secretary shall—

- (i) advise the local coordinating entity, in writing, of the reasons for the disapproval; and
- (ii) make recommendations for revision of the proposed management plan.

(B) **APPROVAL OR DISAPPROVAL.**—The Secretary shall approve or disapprove a revised management plan not later than 180 days after the date on which the revised management plan is submitted.

(d) **APPROVAL OF AMENDMENTS.**—The Secretary shall review and approve or disapprove substantial amendments to the management plan in accordance with subsection (c).

SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) **IN GENERAL.**—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) **CONSULTATION AND COORDINATION.**—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the extent practicable.

(c) **OTHER FEDERAL AGENCIES.**—Nothing in this Act—

- (1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;
- (2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or
- (3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

- (1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;
- (2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;
- (3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency, or conveys any land use or other regulatory authority to the local coordinating entity;
- (4) authorizes or implies the reservation or appropriation of water or water rights;
- (5) affects the licensing or relicensing of facilities by the Federal Energy Regulatory Commission within the proposed Heritage Area or upstream or downstream from the proposed Heritage Area on the Susquehanna River, including FERC Project No. 405-104;
- (6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or
- (7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 8. EVALUATION; REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the approval of the management plan under section 5(c), the Secretary shall—

- (1) conduct an evaluation of the accomplishments of the Heritage Area; and
- (2) prepare a report in accordance with subsection (c).

(b) **EVALUATION.**—An evaluation conducted under subsection (a)(1) shall—

- (1) assess the progress of the local coordinating entity with respect to—
 - (A) accomplishing the purposes of this Act for the Heritage Area; and
 - (B) achieving the goals and objectives of the approved management plan for the Heritage Area;
- (2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and
- (3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(c) **REPORT.**—

- (1) **IN GENERAL.**—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.
- (2) **SUBMISSION TO CONGRESS.**—On completion of the report, the Secretary shall submit the report to—
 - (A) the Committee on Energy and Natural Resources of the Senate; and
 - (B) the Committee on Natural Resources of the House of Representatives.

SEC. 9. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

PURPOSE OF THE BILL

The purpose of H.R. 2991 is to establish the Susquehanna National Heritage Area in the State of Pennsylvania.

BACKGROUND AND NEED FOR LEGISLATION

The proposed Susquehanna National Heritage Area encompasses both Lancaster and York counties in South Central Pennsylvania. The area currently holds a State designation as a Pennsylvania Heritage Area.¹

The Susquehanna Heritage Corporation is a local non-profit organization focused on the Susquehanna River and the communities and landscapes along the River in Lancaster and York Counties. It

¹“Facts and Figures” Heritage PA. <http://www.heritagepa.com/facts-and-figures/>

is part of Heritage PA, a network of State-designated Pennsylvania Heritage Areas. The Corporation advocates for local involvement in the area and since 2001 has helped raise over \$18 million for the current State heritage area through local support, State and federal grants, and private donations.²

Named after the Susquehannock, an Iroquoian tribe that lived along the River, the Susquehanna River is approximately 444 miles long, making it the longest river on the East Coast and the 16th longest river in the United States. The River flows from upstate New York to the Chesapeake Bay passing along both Lancaster and York Counties in Pennsylvania. The Susquehanna is broad and shallow with an average daily flow of 22 billion gallons of water making it ideal for boating and fishing.³

Formed in 1729 after residents petitioned for a new county, Lancaster became the fourth county in Pennsylvania. Located along the Susquehanna River, Lancaster County quickly prospered and served as the State capital from 1799 to 1812.⁴ Today, the County is a tourist destination featuring Pennsylvania Dutch Country museums, outdoor activities, authentic Amish experiences, and a historic downtown.⁵

York County was founded in 1749 after being deeded to Pennsylvania by the American Indians who inhabited the area. Since its founding, many residents of the County played significant roles in the American Revolution and the Civil War. Following the Revolution, York County was primarily an agricultural community and served as a place for continued industrialization as the coal-burning locomotive was perfected in York County.⁶

H.R. 2991, the Susquehanna National Heritage Area Act, would establish the Susquehanna National Heritage Area in Pennsylvania and designate the Susquehanna Heritage Corporation as the local coordinating entity for the area.

COMMITTEE ACTION

H.R. 2991 was introduced on June 21, 2017, by Congressman Lloyd Smucker (R-PA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On April 11, 2018, the Subcommittee held a hearing on the legislation. On April 18, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; it was adopted by unanimous consent. No additional amendments were offered and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

²“Who We Are” Susquehanna Heritage. <http://www.susquehannaheritage.org/about-us/mission-vision/>

³“The Susquehanna River” Visit Central PA. <http://www.visitcentralpa.org/things-to-do/the-susquehanna-river>

⁴“Lancaster History” Lancaster County Pennsylvania. <https://www.co.lancaster.pa.us/195/Lancaster-History>

⁵“Things to Do” Discover Lancaster. <http://www.discoverlancaster.com/activities/index.asp>

⁶“York County History” York County Pennsylvania. <https://yorkcountypa.gov/about-york-county/york-county-history.html>

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2018.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2991, the Susquehanna National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

H.R. 2991—Susquehanna National Heritage Area Act

H.R. 2991 would establish the Susquehanna National Heritage Area (NHA) in Lancaster and York Counties, Pennsylvania. The bill also would designate the Susquehanna Heritage Corporation, a non-profit organization, as the local coordinating entity and would require the corporation to submit a management plan for the Susquehanna NHA. The bill would direct the National Park Service (NPS) to provide assistance to local partners.

The NPS provides technical and financial assistance to NHAs through the Heritage Partnership Program. According to the NPS, under that program the agency typically awards \$150,000 annually to newly established NHAs. Based on the experience of other NHAs, CBO estimates that implementing H.R. 2991 would cost about \$1 million over the 2019–2023 period; such spending would be subject to the availability of appropriated funds.

Enacting H.R. 2991 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 2991 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 2991 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Susquehanna National Heritage Area in the State of Pennsylvania.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.