

NATIONAL HERITAGE AREA ACT OF 2020

NOVEMBER 19, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1049]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1049) to authorize a National Heritage Area Program, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends 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; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “National Heritage Area Act of 2020”.

(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 Area System.
- Sec. 4. National Heritage Area System management.
- Sec. 5. Study areas.
- Sec. 6. Local coordinating entities.
- Sec. 7. Property owners and regulatory protections.
- Sec. 8. Authorization of appropriations.
- Sec. 9. Statutory Clarification.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **FEASIBILITY STUDY.**—The term “feasibility study” means a study conducted by the Secretary, or conducted by one or more other interested parties and reviewed and approved by the Secretary, in accordance with the criteria and processes required by section 5, to determine whether a study area meets the criteria to be designated by Federal statute as a National Heritage Area.

(2) **INDIAN TRIBE.**—The term “Indian Tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on the list most recently published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(3) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the entity designated by Federal statute to—

(A) carry out, in partnership with other individuals and entities, the management plan for a National Heritage Area; and

(B) operate a National Heritage Area, including through the implementation of projects and programs among diverse partners in a National Heritage Area.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for a National Heritage Area required under this Act.

(5) **NATIONAL HERITAGE AREA.**—The term “National Heritage Area” means—

(A) each National Heritage Area, National Heritage Corridor, Natural Preservation Commission, National Heritage Canalway, National Heritage Route, Heritage Corridor, Cultural Heritage Corridor, Heritage Partnership, and National Heritage Partnership, the Shenandoah Valley Battlefields National Historic District, or other area designated by Federal statute with the explicit purpose of establishing a national heritage area designated by Congress before or on the date of enactment of this Act; and

(B) each National Heritage Area designated by Federal statute after the date of enactment of this Act, unless the law designating the area exempts that area from the National Heritage Area System by specific reference to this Act.

(6) **NATIONAL HERITAGE AREA SYSTEM.**—The term “National Heritage Area System” means the system of National Heritage Areas established by this Act.

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

(8) **STUDY AREA.**—The term “study area” means a specific geographic area that is the subject of a feasibility study under section 5.

(9) **TRIBAL GOVERNMENT.**—The term “Tribal government” means the governing body of an Indian Tribe.

#### **SEC. 3. NATIONAL HERITAGE AREA SYSTEM.**

(a) **IN GENERAL.**—In order to recognize certain areas of the United States that tell nationally significant stories and to conserve, enhance, and interpret the areas’ natural, historic, scenic, and cultural resources that together illustrate significant aspects of our country’s heritage, there is established a National Heritage Area System through which the Secretary may provide technical and financial assistance to local coordinating entities to support the establishment, development, and continuity of National Heritage Areas.

(b) **NATIONAL HERITAGE AREA SYSTEM.**—The National Heritage Area System shall be composed of all National Heritage Areas.

(c) **RELATIONSHIP TO THE NATIONAL PARK SYSTEM.**—

(1) **RELATIONSHIP TO NATIONAL PARK UNITS.**—The Secretary shall encourage participation and assistance by any unit of the National Park System located near or encompassed by any National Heritage Area in local initiatives for that National Heritage Area that conserve and interpret resources consistent with an approved management plan for the National Heritage Area.

(2) **APPLICABILITY OF LAWS.**—National Heritage Areas shall not be—

(A) considered to be units of the National Park System; or

(B) subject to the authorities applicable to units of the National Park System.

#### **SEC. 4. NATIONAL HERITAGE AREA SYSTEM MANAGEMENT.**

(a) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after a National Heritage Area is included in the National Heritage Area System outlined by this Act, the local coordinating entity of the National Heritage Area shall submit to the Secretary for approval a management plan for the National Heritage Area.

(2) **REQUIREMENTS.**—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the National Heritage Area;

(B) be developed using a comprehensive planning approach that includes—

(i) opportunities for stakeholders, including community members, local and regional governments, Tribal governments, businesses, non-profit organizations, and other interested parties—

- (I) to be involved in the planning process; and
  - (II) to review and comment on draft management plans; and
  - (ii) documentation of the planning and public participation processes, including a description of—
    - (I) the means by which the management plan was prepared;
    - (II) the stakeholders involved in the process; and
    - (III) the timing and method of stakeholder involvement;
  - (C) include—
    - (i) an inventory of—
      - (I) the resources located in the National Heritage Area; and
      - (II) any other property in the National Heritage Area that—
        - (aa) is related to the themes of the National Heritage Area; and
        - (bb) should be preserved, restored, managed, or maintained because of the significance of the property;
    - (ii) comprehensive policies, strategies and recommendations for the conservation, funding, management, and development of the National Heritage Area;
    - (iii) a description of actions that the Federal, Tribal, State, and local governments, private organizations, and individuals have agreed to take to protect the natural, historical, cultural, scenic, and recreational resources of the National Heritage Area;
    - (iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—
      - (I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and
      - (II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;
    - (v) the identification of sources of funding for carrying out the management plan;
    - (vi) analysis and recommendations for means by which Federal, Tribal, State, and local programs, including the role of the National Park Service in the National Heritage Area, may best be coordinated to carry out this subsection; and
    - (vii) an interpretive plan for the National Heritage Area; and
  - (D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area.
- (3) EXCEPTIONS.—The requirements in paragraph (2) shall not apply to management plans in effect on the date of the enactment of this Act.
- (b) EVALUATIONS.—
- (1) IN GENERAL.—Not later than 1 year before the authorization for Federal funding expires for a National Heritage Area, the Secretary shall—
    - (A) conduct an evaluation of the accomplishments of that National Heritage Area; and
    - (B) prepare and submit a report detailing the evaluation required by subparagraph (A) to—
      - (i) the Committee on Natural Resources of the House of Representatives; and
      - (ii) the Committee on Energy and Natural Resources of the Senate.
  - (2) EVALUATION COMPONENTS.—An evaluation prepared under paragraph (1) shall—
    - (A) assess the progress of the local coordinating entity with respect to—
      - (i) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and
      - (ii) achieving the goals and objectives of the approved management plan for the National Heritage Area;
    - (B) analyze the Federal, Tribal, State, local, and private investments in the National Heritage Area to assess the impact of the investments; and
    - (C) review the management structure, partnership relationships, and funding of the National Heritage Area.
  - (3) RESULTS OF EVALUATION.—Based upon the evaluation under paragraph (1), the Secretary shall prepare a report with recommendations for the National Park Service's continued role, if any, with respect to the National Heritage

Area. If the report recommends that Federal funding for the National Heritage Area be—

- (A) continued, the report shall include an analysis of—
    - (i) ways in which Federal funding for the National Heritage Area may be reduced or eliminated over time;
    - (ii) the appropriate time period necessary to achieve the recommended reduction or elimination; and
    - (iii) justification for the continued funding in light of other National Park Service core responsibilities and priorities; or
  - (B) eliminated, the report shall include a description of potential impacts on conservation, interpretation, and sustainability of the National Heritage Area.
- (4) UPDATES; ADDITIONAL EVALUATIONS.—
- (A) UPDATES.—The Secretary may satisfy the requirement under paragraph (1) for a National Heritage Area by updating an evaluation that was completed for that National Heritage Area not more than 5 years before another evaluation would otherwise be required under paragraph (1).
  - (B) ADDITIONAL EVALUATIONS.—The Secretary may conduct additional evaluations as the Secretary deems appropriate.
- (c) COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a designated National Heritage Area is encouraged to consult and coordinate these activities with the Secretary and the local coordinating entity to the maximum extent practicable.

#### SEC. 5. STUDY AREAS.

##### (a) FEASIBILITY STUDIES.—

(1) IN GENERAL.—The Secretary may carry out or certify a study to assess the suitability and feasibility of designating a specific geographic area as a National Heritage Area to be included in the National Heritage Area System.

(2) PREPARATION.—The feasibility study shall be carried out—

(A) by the Secretary in consultation with Tribal, State, and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies; or

(B) by interested individuals or entities, if the Secretary certifies that the completed study meets the requirements of paragraph (4).

(3) CERTIFICATION.—Not later than 1 year after receiving a study carried out by interested individuals or entities under paragraph (2)(B) the Secretary shall review and certify whether the study meets the requirements of paragraph (4).

(4) REQUIREMENTS.—A study under paragraph (1) shall include analysis, documentation, and determination on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

- (i) represent distinct aspects of the heritage of the United States;
- (ii) are worthy of recognition, conservation, interpretation, and continuing use; and
- (iii) would be best managed—

- (I) through partnerships among public and private entities; and
- (II) by linking diverse and sometimes noncontiguous resources;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides outstanding opportunities—

- (i) to conserve natural, historic, cultural, or scenic features; and
- (ii) for recreation and education;

(D) contains resources that—

- (i) are important to any identified themes of the study area; and
- (ii) retain a degree of integrity capable of supporting interpretation;

(E) includes Tribal governments, residents, business interests, nonprofit organizations, and State and local governments that—

- (i) are involved in the planning of the study area;
- (ii) have developed a conceptual financial plan that outlines the roles of all participants in the study area, including the Federal Government; and
- (iii) have demonstrated support for the designation of the study area;

(F) has a potential local coordinating entity to work in partnership with the individuals and entities described in paragraph (1) to develop the study area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

##### (b) REPORT.—

(1) **IN GENERAL.**—For each study carried out under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings of the study described in subsection (a) for that study area; and

(B) any conclusions and recommendations of the Secretary.

(2) **TIMING.**—

(A) With respect to a study carried out by the Secretary in accordance with paragraph (2)(A)(i), the Secretary shall submit a report under subparagraph (A) not later than 3 years after the date on which funds are first made available to carry out the study.

(B) With respect to a study carried out by interested individuals or entities in accordance with paragraph (2)(A)(ii), the Secretary shall submit a report under subparagraph (A) not later than 180 days after the date on which the Secretary certifies under paragraph (2)(B) that the study meets the requirements of paragraph (3).

#### **SEC. 6. LOCAL COORDINATING ENTITIES.**

(a) **DUTIES.**—For any year that Federal funds have been made available under this Act for a National Heritage Area, the local coordinating entity for that National Heritage Area shall—

(1) submit to the Secretary an annual report that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made);

(2) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(3) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds.

(b) **AUTHORITIES.**—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the approved management plan for the National Heritage Area, use Federal funds made available through this Act to—

(1) make grants to Indian Tribes, a State, a local government, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to the Indian Tribes, State, a local government, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, which may include individuals with expertise in natural, cultural, and historic resources conservation; economic and community development; and heritage planning;

(4) obtain money or services, including those provided under other Federal laws or programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) **PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.**—The local coordinating entity may not use Federal funds received under this Act to acquire real property or any interest in real property.

#### **SEC. 7. PROPERTY OWNERS AND REGULATORY PROTECTIONS.**

Nothing in this Act shall be construed to—

(1) abridge 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 National Heritage Area;

(2) require any property owner to permit public access (including Federal, Tribal, State, or local government access) to such property or to modify any provisions of Federal, Tribal, State, or local law with regard to public access or use of private lands;

(3) alter any duly adopted land use regulation or any approved land use plan or any other regulatory authority of any Federal, Tribal, or State, or local government, or to convey any land use or other regulatory authority to any local coordinating entity;

(4) authorize or imply the reservation or appropriation of water or water rights;

(5) diminish the authority of the State to manage fish and wildlife including the regulation of fishing and hunting within the National Heritage Area;

(6) create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property;

(7) affect the authority of any Federal official to provide technical or financial assistance under any other law;

(8) modify any law or regulation authorizing Federal officials to manage Federal land under their control or limit the discretion of Federal land managers to implement approved land use plans within the boundaries of a National Heritage Area, nor shall this Act be construed to modify, alter, or amend any authorized uses of these Federal lands; or

(9) enlarge or diminish the treaty rights of any Indian Tribe within the National Heritage Area.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, for each of fiscal years 2020 through 2034, there is authorized to be appropriated not more than \$750,000 for each National Heritage Area.

(b) **AVAILABILITY.**—Amounts made available under subsection (a) shall remain available until expended.

(c) **COST-SHARING REQUIREMENT.**—

(1) **FEDERAL SHARE.**—Notwithstanding any other provision of law, including any law designating a National Heritage Area, the Federal share of the total cost of any activity funded with appropriations authorized by subsection (a) shall not be more than 50 percent.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share of the total cost of any activity funded with appropriations authorized by subsection (a) may be in the form of in-kind contributions of goods or services fairly valued.

(c) **AUTHORITY TO PROVIDE ASSISTANCE.**—Notwithstanding any other provision of law, the Secretary may provide assistance to a National Heritage Area during any fiscal year for which appropriations are authorized under subsection (a).

#### SEC. 9. STATUTORY CLARIFICATION.

(a) **AUTHORIZATION LIMITATIONS.**—Any provision of law enacted before the date of the enactment of this Act that provides for a termination, expiration, or other time limitation on the authorization for a National Heritage Area is hereby superceded and shall have no effect.

(b) **FUNDING LIMITATIONS.**—Any provision of law enacted before the date of the enactment of this Act that provides for a termination, expiration, or other limitation on the time or amount of an authorization of appropriations for a National Heritage Area is hereby superceded and shall have no effect.

(c) **EVALUATIONS.**—Any provision of law enacted before the date of the enactment of this Act that requires the Secretary to conduct an evaluation of or submit a report on the accomplishments of a National Heritage Area is hereby superceded and shall have no effect.

(d) **OTHER AUTHORITIES.**—Any provision of law enacted before the date of the enactment of this Act that provides for the establishment, management, administration, operation, or otherwise affects a National Heritage Area and is not explicitly otherwise provided for in this Act shall not be affected by this Act.

#### PURPOSE OF THE BILL

The purpose of H.R. 1049 is to authorize a National Heritage Area Program, and for other purposes.

#### BACKGROUND AND NEED FOR LEGISLATION

In 1984, Congress passed and President Ronald Reagan signed into law the first National Heritage Area (NHA), the Illinois and Michigan Canal National Heritage Area.<sup>1</sup> In President Reagan's dedication speech, he referred to NHAs as "a new kind of national park" that seeks to bring together the goals of heritage conservation, recreation, and economic development.<sup>2</sup> Since then, Congress

<sup>1</sup> Illinois and Michigan Canal National Heritage Corridor Act of 1984, Pub. L. No. 98–398, 98 Stat. 1456 (1984), <https://uscode.house.gov/statviewer.htm?volume=98&page=1456> (codified at 54 U.S.C. § 320,101 note).

<sup>2</sup> *National Heritage Areas*, U.S. NAT'L PARK SERV., <https://www.nps.gov/subjects/heritageareas/index.htm> (last updated Mar. 15, 2019).

has established 54 additional NHAs across 38 states to promote tourism and protect important natural, historical, cultural, scenic, and recreational resources.

The NHA program is administered by the National Park Service (NPS), which partners with each NHA's managing entity to provide technical assistance and distribute matching federal funds. NHAs are one of the Department of the Interior's most cost-effective initiatives, leveraging an average of \$5.50 in public and private funding for every federal dollar. NHAs also provide significant economic returns to local economies through cultural and heritage tourism and investment.

Each NHA unit preserves a unique component of the quintessentially American experiences that represent the history of our nation. From the Crossroads of the American Revolution in New Jersey to the Great Basin in Nevada, from our national aviation heritage to the historic Ohio and Erie canals, NHAs preserve nationally significant history, resources, and landscapes across the country. They tell the stories that make up the tapestry of American life, connecting communities through a sense of history and place. They are unique and exceptional tools for historic and natural protection that allow NPS to support interpretation of resources beyond the boundaries of traditional park units.

NHA designations do not authorize the federal government to acquire any additional land, and property owners have no obligation to participate in planning, projects, programs, or other activities conducted within NHAs. In addition, property owners are not required to provide public access to their lands.

Currently, there is no single system for NHA designations, and this ad hoc practice of designating, managing, evaluating, and reauthorizing NHAs has been a longstanding point of concern for opponents of NHAs as well as the NPS. As each NHA has a unique enabling statute, with disparate standards and authorizations, NPS has called on Congress to standardize the process through programmatic legislation since 2005.

H.R. 1049 addresses these concerns by establishing a clear and consistent statutory framework for studying, designating, evaluating, and funding NHAs while increasing opportunities for congressional oversight. The bill brings the 55 existing NHAs into one cohesive system that allows Congress to determine the health and appropriate funding levels of the program as a whole, rather than as 55 different NHAs, and clearly defines the roles and responsibilities of the NPS and local coordinating entities in the management of NHAs. This new framework ensures long-term sustainability of the system while enhancing the ability of NHAs to preserve resources and spur local economic growth.

While there is continued congressional debate about the ongoing obligation of the federal government in the support of NHAs, H.R. 1049 is an effort to ensure that all future NHA management and evaluation is consistent and accountable.

The bill, as reported, clarifies that the new NHA system supersedes existing sunsets and caps for existing NHAs, and that funding for the system as a whole will expire after 20 years. The reported text also removes extraneous language covered under pre-existing authorities and obligations and updates the standard language outlining feasibility studies, management plans, and evalua-

tions in order to bring the legislation into conformance with recently enacted laws. Ultimately, the reported text retains the core purpose of the bill and would create a unified NHA system and establish standard procedures for management and funding, while making important changes for the sake of clarity and consistency.

#### COMMITTEE ACTION

H.R. 1049 was introduced on February 7, 2019, by Representative Paul Tonko (D–NY). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on National Parks, Forests, and Public Lands. On April 30, 2019, the Subcommittee held a hearing on the bill. On January 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Representative Tonko offered an amendment in the nature of a substitute. Ranking Member Rob Bishop (R–UT) offered amendments designated Bishop #1 and Bishop #3 *en bloc* to the amendment in the nature of a substitute by unanimous consent. The *en bloc* amendments were agreed to by voice vote. Ranking Member Bishop offered an amendment designated Bishop #2 to the amendment in the nature of a substitute. The amendment was withdrawn. The amendment in the nature of a substitute offered by Representative Tonko, as amended, was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by voice vote.

#### HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 1049: legislative hearing by the Subcommittee on National Parks, Forests, and Public Lands held on April 30, 2019.

#### 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, July 1, 2020.

Hon. RAÚL M. GRIJALVA,  
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. 1049, the National Heritage Area Act of 2020.

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

Sincerely,

PHILLIP L. SWAGEL,  
Director.

Enclosure.

<b>H.R. 1049, National Heritage Area Act of 2020</b>			
As ordered reported by the House Committee on Natural Resources on January 29, 2020			
By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	167	not estimated
Statutory pay-as-you-go procedures apply?	No	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

H.R. 1049 would authorize appropriations from 2020 through 2034 for the National Park Service (NPS) to provide financial and technical assistance to National Heritage Areas (NHAs), which are nonfederal entities designed to commemorate and conserve natural, historic, and cultural resources. In 2020, the NPS allocated \$21 million to support NHAs.

According to the NPS, 54 NHAs are eligible to receive federal funds and the bill would authorize up to \$750,000 for each area, or about \$41 million each year. Because it would take future legislation to change the number of NHAs, CBO's estimate is based on the current number of 54. Assuming appropriation of those amounts, CBO estimates that implementing H.R. 1049 would cost \$167 million over the 2020–2025 period. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and the environment).

H.R. 1049 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on the local coordinating entity of each NHA. Such entities are designated by law to oversee their respective area.

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1049

	By fiscal year, millions of dollars—						
	2020	2021	2022	2023	2024	2025	2020–2025
Authorization <sup>a</sup> .....	20	41	41	41	41	41	222
Estimated Outlays .....	*	20	32	36	38	40	167

Components may not sum to totals because of rounding; \* = between zero and \$500,000.

<sup>a</sup>H.R. 1049 would authorize the appropriation of \$41 million in 2020 for National Heritage Areas. In 2020, the National Park Service (NPS) allocated \$21 million for those purposes. Therefore, CBO estimates that the bill would authorize the appropriation of \$20 million in 2020—the difference between what the bill would authorize (\$41 million) and what the NPS has allocated (\$21 million).

The bill would require those local coordinating entities to submit a management plan for their heritage area to the Secretary of the Interior, submit annual financial reports, and make information available for auditing. The bill also would authorize annual payments of \$750,000 to each NHA through 2034. Because the mandate would affect a small number of entities and many already meet some or all of these duties, CBO estimates the cost of the mandate would not exceed the private-sector threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation).

H.R. 1049 contains no intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are David Hughes (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to authorize a National Heritage Area Program.

#### 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.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, H.R. 1049 would impose private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) on the local coordinating entity of each NHA. CBO estimates the cost of the mandate would not exceed the private-sector threshold established in UMRA (\$168 million in 2020, adjusted annually for inflation). According to CBO, the bill contains no intergovernmental mandates as defined in UMRA. CBO's full analysis is reproduced above.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or

accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

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

## ADDITIONAL VIEWS

H.R. 1049, as amended, formally establishes a system for National Heritage Areas (NHA) with criteria for approval and funding and authorizes appropriations of up to \$750,000 per NHA per fiscal year for 15 years.

The first NHA was created in 1984; there are now 55 NHAs across the country.<sup>1</sup> The first NHA, the Illinois and Michigan Canal NHA, was signed into law by President Ronald Reagan. In his dedication speech, Reagan referred to NHAs as “a new kind of national park” that married heritage conservation, recreation, and economic development.<sup>2</sup> NHAs were generally provided a 10- to 15-year authorization, with a maximum total appropriation of up to \$10 million. Over time, however, the length of authorization and the federal dollar cap have been raised for individual NHAs, usually through appropriation acts.<sup>3</sup>

Originally, NHAs were intended to receive federal “seed money” and progress to a point where federal appropriations would no longer be required. In fact, in 1994, during a debate for additional NHAs on the House floor, then National Parks Subcommittee Chairman Bruce Vento (D-MN) claimed, “the amount of support is limited . . . and there is a limit to the length of time or the amount of money the Federal Government can be in a heritage area. In 10 years, we are out of there. Then they are on their own and we all get the benefit of that conservation.”<sup>4</sup> Despite this assurance, not a single NHA has left the embrace of federal funding and all NHAs dating back to 1984 continue to request support.<sup>5</sup> In recent years, both the Obama and Trump Administrations have supported reducing appropriations to NHAs and have urged Congress to return to the original concept of NHAs by promoting self-sufficiency.<sup>6,7</sup>

At the markup, two Republican amendments were adopted unanimously that improved the bill. First, an amendment was adopted that clarified that any “National Historic District” made

---

<sup>1</sup> Visit NHAs Online, National Parks Service (2019), [https://www.nps.gov/subjects/heritageareas/visit\\_nhas\\_online.htm](https://www.nps.gov/subjects/heritageareas/visit_nhas_online.htm) (last visited Apr 22, 2019).

<sup>2</sup> *Id.* at 1.

<sup>3</sup> See section 120 of Title I, Division F of Public Law 113–235; section 116 of Title I of Division G of Public Law 114–113; and section 115 of Title I of Division G of Public Law 115–31.

<sup>4</sup> 103 CONG REC. H10869 (1994).

<sup>5</sup> Barry T. Hill, National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed 11 (2004).

<sup>6</sup> The United States Department of the Interior Budget Justifications and Performance Information Fiscal Year 2016 National Park Service, The United States Department of the Interior Budget Justifications and Performance Information Fiscal Year 2020 National Park Service Overview-40.

<sup>7</sup> The United States Department of the Interior Budget Justifications and Performance Information Fiscal Year 2020 National Park Service, The United States Department of the Interior Budget Justifications and Performance Information Fiscal Year 2020 National Park Service NR&P-40.

part of the new NHA system is restricted to solely the Shenandoah Valley Battlefields National Historic District. Second, an amendment was adopted that reduced the length of authorization for appropriations from 20 years to 15 years and reinstated and expanded a portion of the evaluation section from the introduced bill that was removed by the Majority's amendment in the nature of the substitute. This provision requires that the National Park Service prepare a report, in conjunction with a NHA's evaluation, making recommendations for the National Park Service's continued role, if any, with respect to the National Heritage Area and justified continued federal funding in light of other National Park Service priorities and its core mission. While these amendments improved this bill, there is still no guarantee that NHAs will ever become self-sufficient. With the National Park Service's deferred maintenance needs hovering near \$12 billion, we should be seeking ways to help the National Park Service fulfill its core responsibilities.

ROB BISHOP.

