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Heritage Areas: Background, Proposals, and Current Issues

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SUMMARY

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Heritage Areas: Background, Proposals, and Current Issues

Since 1984, Congress has established 55 national heritage areas (NHAs) to commemorate, conserve, and promote important natural, scenic, historic, cultural, and recreational resources. NHAs are partnerships among the National Park Service (NPS), states, and local communities, in which the NPS supports state and local conservation through federal recognition, seed money, and technical assistance. Unlike lands within the National Park System, which are federally owned and managed, lands within heritage areas typically remain in state, local, or private ownership or a combination thereof. Supporters of heritage areas assert that NHAs protect lands and traditions and promote tourism and community revitalization. Opponents, however, contend that NHAs may be burdensome or costly to the federal government or may lead to federal control over nonfederal lands.

No comprehensive statute establishes criteria for designating NHAs or provides standards for their funding and management. Rather, particulars for each area are provided in the area's enabling legislation. Congress designates a management entity, usually nonfederal, to coordinate the work of the partners. This entity typically develops and implements a plan for managing the NHA, in collaboration with other parties. Once approved by the Secretary of the Interior, the management plan becomes the blueprint for managing the area.

NHAs might receive funding from a wide variety of sources. Congress typically determines federal funding for NHAs in annual appropriations laws for Interior, Environment, and Related Agencies. NHAs can use federal funds for many purposes, including staffing, planning, and executing projects. The FY2021 appropriation for NPS for assistance to heritage areas was $23.9 million—including $22.9 million for grantmaking and direct support and just over $1 million for administrative support.

Past presidential Administrations expressed interest in having NHAs become financially self-sufficient. Some appropriators and other Members of Congress have emphasized self-sufficiency for these areas as well. One role of the NPS is to evaluate certain heritage areas at least three years before the expiration of the authorization for federal funds. The NPS has completed evaluations of 19 NHAs and continues to evaluate others.

Each Congress typically considers bills to establish new heritage areas, study areas for possible heritage designation, and amend existing heritage areas. In the 116th Congress, P.L. 116-9 designated six new NHAs; authorized feasibility studies for other prospective areas; and made changes to existing NHAs, including boundary adjustments. The Consolidated Appropriations Act, 2021 (P.L. 116-260), also included provisions that extended authorizations of existing NHAs to receive financial assistance.

Recent Congresses have considered legislation to establish a system of NHAs and to provide criteria for their designation, standards for their management, and limits on federal funding support. In the 117th Congress, in February 2021, the House passed H.R. 803, which includes provisions to establish such a system. Proponents cite the number of existing NHAs and the growing number of proposals to study and designate new ones as a rationale for such legislation. Some opponents maintain that NHAs present numerous problems and challenges and that Congress should oppose efforts to designate new areas or create a system of NHAs. For example, some stakeholders have expressed a desire to focus NPS resources on federally owned properties and reducing the agency's deferred maintenance backlog; others believe heritage areas have the potential to threaten private property rights.

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Background

Since 1984, Congress has designated 55 national heritage areas (NHAs) to recognize and assist efforts to protect, commemorate, and promote natural, cultural, historic, and recreational resources that form distinctive landscapes.[1] Congress regards these areas as distinctive because of their resources; their built environment; and their culture, history, and residents. A principal distinction of NHAs is an emphasis on the interaction of people and their environment. Heritage area designations seek to highlight the story of people, over time, in areas where the landscape helped shape tradition. In a majority of cases, NHAs have, or previously had, as their foundation a fundamental economic activity such as agriculture, water transportation, or industrial development.

The attributes of each NHA are set out in the area's establishing law. These attributes vary, as they reflect the distinctive cultural characteristics of the various NHAs across the country. The 55 existing heritage areas are at different stages of developing and implementing plans to protect and promote their attributes, as defined in statute. **Table 1** identifies the 55 NHAs established by Congress.

Table 1. National Heritage Areas (NHAs) by Date of Authorization

National Heritage Area	State	Date of Authorization	Enabling Legislation[a]
Illinois and Michigan Canal National Heritage Corridor	IL	Aug. 24, 1984	P.L. 98-398
John H. Chafee Blackstone River Valley National Heritage Corridor	MA/RI	Nov. 10, 1986	P.L. 99-647
Delaware and Lehigh National Heritage Corridor	PA	Nov. 18, 1988	P.L. 100-692
Southwestern Pennsylvania Heritage Preservation Commission (Path of Progress)[b]	PA	Nov. 19, 1988	P.L. 100-698
Cane River NHA	LA	Nov. 2, 1994	P.L. 103-449
The Last Green Valley National Heritage Corridor[c]	CT/MA	Nov. 2, 1994	P.L. 103-449
America's Agricultural Heritage Partnership (Silos and Smokestacks)	IA	Nov. 12, 1996	P.L. 104-333
Augusta Canal NHA	GA	Nov. 12, 1996	P.L. 104-333
Essex NHA	MA	Nov. 12, 1996	P.L. 104-333
Maurice D. Hinchey Hudson River Valley NHA[d]	NY	Nov. 12, 1996	P.L. 104-333
National Coal Heritage Area	WV	Nov. 12, 1996	P.L. 104-333
Ohio & Erie Canal National Heritage Corridor	OH	Nov. 12, 1996	P.L. 104-333
Rivers of Steel NHA	PA	Nov. 12, 1996	P.L. 104-333
Shenandoah Valley Battlefields National Historic District	VA	Nov. 12, 1996	P.L. 104-333
South Carolina National Heritage Corridor	SC	Nov. 12, 1996	P.L. 104-333
Tennessee Civil War Heritage Area	TN	Nov. 12, 1996	P.L. 104-333
MotorCities NHA[e]	MI	Nov. 6, 1998	P.L. 105-355

[1] In addition to the federal heritage areas, other heritage areas have been designated by local governments or announced by local preservation groups. A number of states also have developed their own heritage area programs.

National Heritage Area	State	Date of Authorization	Enabling Legislationa
Lackawanna Valley NHA	PA	Oct. 6, 2000	P.L. 106-278
Schuylkill River Valley NHA	PA	Oct. 6, 2000	P.L. 106-278
Wheeling NHA	WV	Oct. 11, 2000	P.L. 106-291
Yuma Crossing NHA	AZ	Oct. 19, 2000	P.L. 106-319
Erie Canalway National Heritage Corridor	NY	Dec. 21, 2000	P.L. 106-554
Blue Ridge NHA	NC	Nov. 10, 2003	P.L. 108-108
Mississippi Gulf Coast NHA	MS	Dec. 8, 2004	P.L. 108-447
National Aviation Heritage Area	OH/IN[f]	Dec. 8, 2004	P.L. 108-447
Oil Region NHA	PA	Dec. 8, 2004	P.L. 108-447
Arabia Mountain NHA	GA	Oct. 12, 2006	P.L. 109-338
Atchafalaya NHA	LA	Oct. 12, 2006	P.L. 109-338
Champlain Valley National Heritage Partnership	NY/VT	Oct. 12, 2006	P.L. 109-338
Crossroads of the American Revolution NHA	NJ	Oct. 12, 2006	P.L. 109-338
Freedom's Frontier NHA	KS/MO	Oct. 12, 2006	P.L. 109-338
Great Basin National Heritage Route	NV/UT	Oct. 12, 2006	P.L. 109-338
Gullah/Geechee Heritage Corridor	FL/GA/NC/SC	Oct. 12, 2006	P.L. 109-338
Mormon Pioneer NHA	UT	Oct. 12, 2006	P.L. 109-338
Northern Rio Grande NHA	NM	Oct. 12, 2006	P.L. 109-338
Upper Housatonic Valley NHA	CT/MA	Oct. 12, 2006	P.L. 109-338
Abraham Lincoln NHA	IL	May 8, 2008	P.L. 110-229
Journey Through Hallowed Ground NHA	MD/PA/VA/WV	May 8, 2008	P.L. 110-229
Niagara Falls NHA	NY	May 8, 2008	P.L. 110-229
Baltimore NHA	MD	March 30, 2009	P.L. 111-11
Cache La Poudre River NHA[g]	CO	March 30, 2009	P.L. 111-11
Freedom's Way NHA	MA/NH	March 30, 2009	P.L. 111-11
Kenai Mountains-Turnagain Arm NHA	AK	March 30, 2009	P.L. 111-11
Mississippi Delta NHA	MS	March 30, 2009	P.L. 111-11
Mississippi Hills NHA	MS	March 30, 2009	P.L. 111-11
Muscle Shoals NHA	AL	March 30, 2009	P.L. 111-11
Northern Plains NHA	ND	March 30, 2009	P.L. 111-11
Sangre de Cristo NHA	CO	March 30, 2009	P.L. 111-11
South Park NHA	CO	March 30, 2009	P.L. 111-11
Appalachian Forest NHA	WV/MD	March 12, 2019	P.L. 116-9
Maritime Washington NHA	WA	March 12, 2019	P.L. 116-9
Mountains to Sound Greenway NHA	WA	March 12, 2019	P.L. 116-9
Sacramento-San Joaquin Delta NHA	CA	March 12, 2019	P.L. 116-9

National Heritage Area	State	Date of Authorization	Enabling Legislationa
Santa Cruz Valley NHA	AZ	March 12, 2019	P.L. 116-9
Susquehanna NHA	PA	March 12, 2019	P.L. 116-9

Sources: National Park Service (NPS) and Congressional Research Service (CRS).

Notes:

a. Here and throughout the report, the term *enabling legislation* refers to the law that first designated a given heritage area.

b. Authorization and funding for the commission expired in 2008.

c. The heritage corridor was originally established as the Quinebaug and Shetucket Rivers Valley National Heritage Corridor; in 2014, it was redesignated as The Last Green Valley National Heritage Corridor (P.L. 113-291).

d. The heritage area was originally established as the Hudson River Valley NHA; in 2019, it was redesignated as the Maurice D. Hinchey Hudson River Valley NHA (P.L. 116-9).

e. The heritage area was originally established as the Automobile National Heritage Area; in 2014, it was redesignated as the MotorCities National Heritage Area (P.L. 113-291).

f. P.L. 108-447 established the area in the states of Ohio and Indiana. However, the boundaries in the law and the associated map (referenced in the law) contain only areas in Ohio. The NHA as constituted does not include areas in Indiana, according to the staff of the National Aviation Heritage Alliance.

g. In establishing this NHA, Section 8002 of P.L. 111-11 repealed P.L. 104-323, which had authorized the Cache La Poudre River Corridor on October 19, 1996.

Origin and Evolution

Congress designated the first heritage area—the Illinois and Michigan Canal National Heritage Corridor—in 1984. This area was located in one of the nation's most industrialized regions and sought to combine a range of land uses, management programs, and historical themes. A goal was to facilitate grassroots preservation of natural resources and economic development in communities and regions containing industries and historic structures. The federal government would assist the effort (e.g., through technical assistance) but would not lead it. The ideas of linking and maintaining a balance between nature and industry and encouraging economic regeneration resonated with many states and communities, especially in the eastern United States. Interest in establishing heritage areas was commensurate with growing public interest in cultural heritage tourism.

Since the creation of the first NHA in 1984, interest in additional NHA designations has grown considerably. For example, from 2004 to 2009 (108th-111th Congresses), the number of heritage areas more than doubled. The number of existing NHAs, along with proposals to study and designate new ones, fostered interest among some Members of Congress and presidential Administrations in establishing a standardized process and standardized criteria for designating NHAs. (See "

Legislation to Establish Systemic NHA Procedures," below.) Proponents identify potential benefits of such an approach, including streamlining the administration of NHAs, creating more accountability, and encouraging regional conservation and sustainability.[2] Other stakeholders have opposed a standardized process on various grounds. For example, they contend that the absence of such a systemic law has provided legislative flexibility in the creation of new NHAs and the modification of existing ones. Further, some opponents of NHAs believe that heritage

[2] Office of Congressman Paul D. Tonko, "Tonko Champions Bills to Strengthen U.S. Heritage Areas Including Erie Canalway," press release, April 30, 2019, at https://tonko.house.gov/news/documentsingle.aspx?DocumentID=2848.

areas threaten private property rights, are burdensome, or present other problems and challenges, so Congress should oppose any efforts to designate new areas and/or create a "system" of NHAs. (See "Support, Opposition, and Challenges," below.)

Ownership

NHAs reflect an evolution in roles and responsibilities in protecting lands. The traditional form of land protection for the National Park Service (NPS) has been through government ownership, management, and funding of lands set aside for protection and enjoyment. By contrast, NHAs typically are not federally owned, are managed by local entities with many partners, are funded from many sources, and are intended to promote local economic development as well as to protect natural and cultural heritage resources and values. The NPS provides technical and financial aid to NHAs, but these areas are *not* part of the National Park System.[3]

Heritage areas consist mainly of private properties, although some include publicly owned lands. In most cases, the laws establishing NHAs do not provide for federal acquisition of land; once designated, heritage areas generally remain in private, state, or local government ownership or a combination thereof. However, in a few cases, Congress has authorized federal acquisition of land in heritage areas. For instance, Congress authorized the creation of the Cane River Creole National Historical Park (LA) within the Cane River NHA and the creation of the Blackstone River Valley National Historical Park within the John H. Chafee Blackstone River Valley National Heritage Corridor.

Laws establishing national heritage areas often contain provisions intended to address concerns about potential loss of, or restrictions on use of, private property resulting from NHA designation.[4] For example, P.L. 116-9, which established the six newest NHAs, included various private property provisions. These provisions stated that designation of the new NHAs would not abridge the rights of any property owner; require any property owner to permit public access to the property; alter any land use regulation; or diminish the authority of the state to manage fish and wildlife, including the regulation of fishing and hunting within the NHA. For additional information on P.L. 116-9 and its provisions, see "John D. Dingell, Jr. Conservation, Management, and Recreation Act."

Designation

No comprehensive statute establishes criteria for designating NHAs or provides standards for their funding and management. NHA designation is often a two-step process, involving an initial study of the suitability and feasibility of designating an area and then enactment of legislation to

[3] That system now has 423 diverse units: national parks, national monuments, national historic sites, national battlefields, national preserves, and other designations. For information on establishing and managing units of the National Park System, see CRS Report RS20158, *National Park System: Establishing New Units*, by Laura B. Comay; CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay; and CRS Report R42125, *National Park System: Units Managed Through Partnerships*, by Laura B. Comay.

[4] In 2004, the Government Accountability Office (GAO, at that time known as the General Accounting Office) examined the effect of NHA designation on the rights of proper owners in 2004. The agency has not issued a report on this topic since that date. In 2004 written testimony for the Senate Committee on Energy and Natural Resources, GAO stated, "national heritage areas do not appear to have directly affected the rights of property owners." The GAO report reflected the 24 national heritage areas (NHAs) in existence at that time. See GAO, *National Park Service: A More Systematic Process for Establishing National Heritage Areas and Actions to Improve Their Accountability Are Needed*, GAO-04-593T, March 30, 2004, p. 3. Hereinafter referred to as GAO, 2004.

designate the NHA. However, although legislation authorizing an NHA might follow a positive study recommendation, an area study is not a requirement for enacting legislation to designate an NHA.

When directed by Congress, the NPS funds and prepares studies as to the suitability and feasibility of designating an area as an NHA.[5] Such studies typically address a variety of topics, including whether an area has resources reflecting aspects of American heritage that are worthy of recognition, conservation, interpretation, and continued use. The studies usually discuss whether an area would benefit from public-private management and if a community of residents, businesses, nonprofit organizations, and state and local agencies would work to support a heritage area. They also often identify a potential management entity and the extent of financial resources for the area.

In other cases, a nonfederal entity will undertake a study in place of NPS. These entities could include local nonprofit organizations, professional historians, community members, or state or local government. The NPS does not fund studies undertaken by outside entities, but the agency provides guidance to these efforts. For instance, the NPS recommends these studies evaluate the importance of the resources, opportunities to increase public access to and understanding of the resources, capacity of an organization to coordinate activities in the area, and support in the region for a heritage designation.[6] The NPS often assists communities interested in attaining the NHA designation by reviewing studies and helping them craft a regional vision for heritage preservation and development.

The particulars for establishment and management of a heritage area typically are provided in the NHA's enabling legislation. Whereas earlier heritage areas tended to have more variety in their creation and operation, the establishment and management of NHAs have become more standardized in recent years through the inclusion of some similar provisions in different areas' enabling legislation.

Administration

The administration and management of NHAs usually involve partnerships among the NPS, states, and local interests. In establishing heritage areas, Congress typically designates a management entity—sometimes referred to as a *local coordinating entity* (LCE)—to coordinate the partners' work. Designated LCEs could include state or local government agencies, nonprofit corporations, or independent commissions established in the enabling legislation. The LCE usually develops and implements a plan for managing the NHA in collaboration with partners and other interested parties. Although the plans' components vary in accordance with the authorizing legislation and local needs, they often identify resources and themes; lay out policies and implementation strategies for protection, use, and public education; describe needed restoration of physical sites; discuss recreational opportunities; outline funding goals and possibilities; and define partners' roles and responsibilities. Once the Secretary of the Interior approves a plan, the plan essentially becomes the blueprint for managing the heritage area. The designated LCE is to

[5] For instance, P.L. 116-9, §6003, directed the National Park Service (NPS) to study the Finger Lakes Area in New York for designation as a national heritage area.

[6] NPS guidance for community members and organizations interested in conducting area studies is on the agency's website. See NPS, "Feasibility Studies," at https://www.nps.gov/subjects/heritageareas/feasibility-studies.htm.

implement the management plan through voluntary actions as funding and resources become available.[7]

The NPS may provide various types of assistance to areas once designated by Congress—administrative, financial, policy, technical—and public information. Following an area designation, the NPS typically enters into a cooperative agreement, or *compact*, with the designated LCE to help plan and organize the area. The compact outlines the goals for the heritage area and defines the roles and contributions of the NPS and other partners, typically setting out the parameters of the NPS's technical assistance. It also serves as the legal vehicle for channeling federal funds to nongovernmental management entities.

Funding

NHAs receive funding from an array of sources, including philanthropic organizations, private donations, state and local governments, and federal appropriations. In its annual budget justification, the Administration submits to Congress its desired funding level for the heritage area program, with funding usually divided between direct grantmaking support to NHAs and general administrative costs for the program. Congress typically provides federal funding to NHAs as part of the annual Interior, Environment, and Related Agencies Appropriations laws under the NPS National Recreation and Preservation account.

NPS typically allocates federal funding for NHAs to the designated LCEs. In general, the laws establishing NHAs require a 1:1 match in funding (federal vs. nonfederal) by the managing entities.[8] Nonfederal matching funds can be in the form of cash or in-kind contributions. Federal funds might be used to help rehabilitate an important site, develop tours, establish interpretive exhibits and programs, increase public awareness, and sponsor special events to highlight an area's natural and cultural heritage. Funding also may support staffing, planning, or administrative needs of the LCE.

In recent years, Congress has provided direction to the NPS on how to allocate appropriated monies among the various NHAs. For example, in the explanatory statement accompanying the FY2017 appropriations law for Interior, Environment, and Related Agencies, Congress allocated funding to NHAs under a three-tier system. This system allocated $150,000 for each authorized area that was still in the process of developing its management plan, known as *Tier I areas*, and $300,000 for *Tier II areas*, which were those with recently approved management plans; it maintained FY2016 funding levels for "longstanding" *Tier III areas*.[9] In subsequent years, Congress has directed NPS to maintain this tiered allotment formula with adjustments based on changes in annual funding amounts and the establishment of new heritage areas.[10]

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[7] Guidance on how to develop a management plan, as well as examples of existing management plans, is on the NPS website. See NPS, "Management Plans," at https://www.nps.gov/subjects/heritageareas/management-plans.htm.

[8] There are some exceptions to 1:1 matching of funds; for example, the enabling legislation designating the Wheeling NHA requires only a 25% nonfederal to federal match from the local coordinating entity (P.L. 106-291, Title I, §157, Oct. 11, 2000, 114 Stat. 963).

[9] P.L. 115-31, Division G, Explanatory Statement, Congressional Record, May 3, 2017, p. H3878. The NPS considers "longstanding" areas to be those established prior to 2004, with the exception of the National Coal Heritage Area, the Cache La Poudre River NHA, and the Illinois and Michigan Canal National Heritage Corridor, none of which had a management plan in place at the time. Once a management plan was established, NPS treated these NHAs as Tier II areas.

[10] For both FY2018 and FY2019, Congress directed this formula to remain constant with FY2017 levels, "with the increase above the enacted level [of FY2017] to be equally distributed to Tier I areas or Tier II areas" (H.Rept. 116-9

Although Congress has regularly provided appropriations to NHAs through the annual appropriations process, some Members have expressed interest in reducing or eliminating the federal funding role for individual heritage areas over time. In S.Rept. 116-123, for example, the Senate Committee on Appropriations directed the NPS to continue to encourage individual heritage areas to develop plans for long-term sufficiency.[11] For more information on these perspectives, see "Support, Opposition, and Challenges."

FY2021 Appropriations

For FY2021, the Trump Administration sought to eliminate nearly all funding for NHAs. Specifically, the Administration proposed a reduction of roughly $21.5 million from FY2020 funding levels for heritage areas. The FY2021 budget requested $0.4 million for administrative support and no funding for grants to existing heritage areas. In an overview of the major savings and reforms outlined in the FY2021 budget, the Administration stated that this reduction in funding was justified due to the heritage area program being "secondary to the primary mission of the National Park Service (NPS)."[12] Instead, the Administration encouraged existing heritage areas to use the federal designation to facilitate sustainable funding opportunities from local and private sources. Prior budget requests for each of FY2018-FY2020 also proposed funding only NHA administrative costs, with no funding provided to individual heritage areas.[13]

P.L. 116-260, enacted in December 2020, included appropriations for Interior, Environment, and Related Agencies in Division G. The law provides $23.9 million in funding for the NPS Heritage Partnership Program for FY2021—including $22.9 million for grantmaking and direct support and just over $1 million for administrative support. In the accompanying explanatory text, Congress directed that the distribution formula remain consistent with prior years and that the additional funding would be "sufficient to provide stable funding sources for both the newly authorized and existing National Heritage Areas."[14]

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for H.J.Res. 31, p. 721). Congress appropriated $20.3 million for assistance to heritage areas in FY2018 and FY2019, $0.5 million higher than the FY2017 level. As a result, the total amount appropriated to each NHA was slightly higher than the Tier I and Tier II baseline levels from FY2017. In FY2020, Congress appropriated $21.9 million to support heritage areas. In the accompanying explanatory text, Congress directed that the distribution formula remain consistent with prior years and that the additional funding would be "sufficient to provide stable funding sources for both the newly authorized and existing NHAs" (U.S. Congress, House Committee on Appropriations, *Consolidated Appropriations Act, 2020*, committee print, 116th Cong., 2nd sess., (Washington: GPO, 2020), p. 598). FY2021 appropriations are discussed further in the "FY2021 Appropriations" section.

[11] S.Rept. 116-123, p. 40.

[12] Office of the President, *Major Savings and Reforms*, Budget of the United States Government, FY2021, February 10, 2020, p. 55:

> National Heritage Areas are not part of the National Park System, and the lands are not federally owned and managed. The lands within heritage areas tend to remain in State, local, or private ownership. Thus, these grants to State and local entities are not a Federal responsibility. National Heritage Area managers should use the national designation to facilitate more sustainable funding opportunities from local and private beneficiaries... The proposed funding elimination would also allow NPS to focus resources on core park and program operations, such as visitor services.

[13] NPS, *Budget Justifications and Performance Information Fiscal Year 2018, 2019*, and *2020* on the NPS website at https://www.nps.gov/aboutus/budget.htm.

[14] *Congressional Record*, daily edition, vol. 166, part 218 (December 21, 2020), p. H8532.

Authorizations and Funding Limits

The laws establishing heritage areas typically contain provisions explicitly authorizing the Secretary of the Interior to provide financial assistance for a specified period. Were the authorization for federal funding to expire, the NHA itself would not necessarily cease to exist (e.g., the area could continue to operate with funding from nonfederal sources). However, for a heritage area to continue receiving federal funding beyond the period specified in the establishing law, Congress typically would need to extend or amend the authorization provision. Congress regularly considers legislation extending authorization limits for federal funding to NHAs. For example, according to the NPS, the funding authorizations for 30 of the existing 55 NHAs are set to expire in 2021. As a result, Members have introduced a variety of bills in the 116th and 117th Congress to extend dates for the authorization of appropriations of these individual NHAs beyond 2021.[15]

In addition to setting sunset dates for federal funding authorizations, Congress has established funding caps for some NHAs, either on an annual basis or over the lifetime of the authorized funding period. Congress sometimes has chosen to increase these funding limits for specific NHAs, particularly in instances where the limit has been met or is at risk of being met.

Evaluations

In recent years, the NPS has increasingly sought to conduct evaluations of heritage areas to make recommendations on the future NPS role (if any) in the management of areas moving forward. Such evaluations have been undertaken at the behest of the Secretary of the Interior, as well as at the direction of Congress. For example, P.L. 110-229 required the NPS to evaluate nine heritage areas designated in 1996.[16] The law required an evaluation of the "accomplishments" of the areas; an assessment of the management entity in achieving the purposes of the law designating the area and the goals and objectives of the management plan for the area; an analysis of the impact of investments in the area; and a review of the management structure, partnership arrangements, and funding for the area so as to identify components required for sustainability. The law also required the NPS to report its results and recommendations to Congress.

Between 2013 and 2015, NPS completed and submitted to Congress its evaluations for the nine areas listed in P.L. 110-229: America's Agricultural Heritage Partnership, also known as Silos and Smokestacks; Augusta Canal NHA; Essex NHA; Maurice D. Hinchey Hudson River Valley NHA; National Coal Heritage Area, also known as West Virginia National Coal Heritage Area; Ohio & Erie Canal National Heritage Corridor; Rivers of Steel NHA; South Carolina National Heritage Corridor; and Tennessee Civil War Heritage Area.[17] Based on the statute's evaluation requirements, NPS developed a policy to evaluate all heritage areas prior to termination of federal funding. Since 2015, NPS has completed 10 additional evaluations of heritage areas.[18] Congress also has included provisions requiring evaluations for newly established heritage areas in most

[15] For example, in the 116th Congress, H.R. 7239 would have extended authorization of appropriations for the Rivers of Steel NHA, the Lackawanna Valley NHA, the Delaware and Lehigh National Heritage Corridor, the Schuylkill River Valley NHA, and the Oil Region NHA through 2036.

[16] P.L. 110-229, §462.

[17] See NPS, "Evaluations," at https://www.nps.gov/subjects/heritageareas/evaluations.html.

[18] These heritage areas are Blue Ridge NHA, Erie Canalway National Heritage Corridor, National Aviation Heritage Area, Oil Region NHA, Schuylkill River Valley NHA, MotorCities NHA, Lackawanna Valley NHA, Last Green Valley National Heritage Corridor, Wheeling NHA, and Yuma Crossing NHA.

legislation considered in recent years. In general, these provisions direct NPS to evaluate heritage areas within a specific period, typically before the expiration of the authorization for federal funds.[19]

Legislative Activity

Congress considers bills pertaining to existing and proposed NHAs on a perennial basis. In March 2019, the John D. Dingell, Jr. Conservation, Management, and Recreation Act was signed into law as P.L. 116-9. Among various other provisions, the omnibus public lands bill created six new NHAs. This section summarizes the NHA-related sections in that act. It also provides an overview of selected other bills introduced in the 116th and 117th Congress that exclusively or mainly focus on NHAs and provisions related to NHAs in selected broader measures, such as appropriations bills.

John D. Dingell, Jr. Conservation, Management, and Recreation Act

On March 12, 2019, President Trump signed into law the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9), the first law to establish new national heritage areas since the Omnibus Public Land Management Act of 2009 (P.L. 111-11). Title VI of P.L. 116-9 contained sections for new designations, authorizations of feasibility studies for prospective areas, adjustments to existing heritage area boundaries, and amendments to existing heritage area authorizations.

Section 6001 of the law designated six new national heritage areas, bringing the total number of heritage areas nationwide from 49 to 55. **Table 2** shows each new heritage area along with the local coordinating entity identified in the statute. Section 6001 of the law also authorized the Secretary of the Interior to provide financial assistance to each of the new NHAs.[20] It authorized appropriations of $10 million for each of the NHAs, of which not more than $1 million is to be made available for any fiscal year.[21] It established a sunset date of 15 years after the date of enactment for the authority of the Secretary to provide assistance.[22]

Table 2. National Heritage Areas Designated in P.L. 116-9

National Heritage Area	State(s)	Local Coordinating Entity
Appalachian Forest NHA	MD, WV	Appalachian Forest Heritage Area, Inc.
Maritime Washington NHA	WA	Washington Trust for Historic Preservation
Mountains to Sound Greenway NHA	WA	Mountains to Sound Greenway Trust
Sacramento-San Joaquin Delta NHA	CA	Delta Protection Commission
Santa Cruz Valley NHA	AZ	Santa Cruz Valley Heritage Alliance, Inc.
Susquehanna NHA	PA	Susquehanna Heritage Corporation

Source: Compiled by CRS from P.L. 116-9 on August 7, 2020.

[19] For example, P.L. 116-9 required NPS to conduct an evaluation for each newly established heritage area "not later than 3 years before the date on which authority for Federal funding terminates."

[20] P.L. 116-9, Title VI, §6001(b)(1).

[21] P.L. 116-9, Title VI, §6001(g).

[22] P.L. 116-9, Title VI, §6001(g)(4).

Section 6002 of the law adjusted the boundaries of the existing Lincoln National Heritage Area to include Livingston County, the city of Jonesboro in Union County, and the city of Freeport in Stephenson County.[23] Section 6003 directed the Secretary of the Interior to conduct a study of the Finger Lakes area for potential designation as a national heritage area, based on the region's natural, historic, and cultural resources. The study is to include the counties of Cayuga, Chemung, Cortland, Livingston, Monroe, Onondaga, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne and Yates.[24] Section 6004 made various types of changes to existing NHAs.

Legislation to Establish Systemic NHA Procedures

Congress has considered a number of bills in recent years that would establish a national heritage areas system. In the 116th Congress, two bills—H.R. 1049 and S. 3217—would have established such a system and set out the relationship between the NHAs and the National Park System. For example, both bills stated explicitly that NHAs were not to be considered units of the National Park System or subject to the authorities applicable to that system. They also would have required the Secretary of the Interior to conduct feasibility studies, when directed by Congress, or to review such studies prepared by others. The bills differed in a number of ways, as authorization for federal assistance would have expired under H.R. 1049 in 2034 and S. 3217 would have permanently authorized federal assistance. In December 2020, the House passed H.R. 1049, as amended; the Senate did not take up the bill for a vote in the 116th Congress.

In February 2021, the House passed H.R. 803, the Protecting America's Wilderness and Public Lands Act. Title XVII of the bill includes provisions that would establish a national heritage area system similar to those passed by the 116th Congress as part of H.R. 1049. Specifically, H.R. 803 would standardize a system governing the designation, management, and funding of NHAs. Among other provisions, the bill outlines a procedure for developing NHA management plans and specifies components of such plans; directs the Secretary to conduct evaluations for all NHAs; and authorizes up to $750,000 in appropriations per year for each NHA until 2037. For a more complete analysis of the provisions within H.R. 803 see the **Appendix**.

The development of systemic heritage area legislation has been advocated in the past by an independent commission,[25] the Obama Administration,[26] and the George W. Bush Administration, among others.[27] The Trump Administration also expressed support for developing systemic NHA program legislation that would establish a statutory framework for the NPS role in administering the NHAs. During hearings on H.R. 1049 in the 116th Congress, the Trump Administration also testified in favor of deferring action on the bill, "to work with the sponsor and the committee on

[23] P.L. 116-9, §6002. The Lincoln NHA in Illinois was established in the Consolidated Natural Resources Act of 2008 (P.L. 110-229). The newly expanded area now includes the sites of the historic Lincoln-Douglas debates and the area where President Lincoln began his legal career within the Eighth Judicial District ("U.S. Senate Approves Expansion of Lincoln Heritage Area," The State Journal-Register, February 12, 2019).

[24] P.L. 116-9, §6003.

[25] National Parks Second Century Commission, *Advancing the National Park Idea*, 2009, p. 23.

[26] Testimony of Stephanie Toothman of the National Park Service, in U.S. Congress, Subcommittee on Public Lands and Environmental Regulation of the House Committee on Natural Resources, *Legislative Hearing*, 113th Cong., 2nd sess., July 29, 2014, H.Hrg. 113-84 (Washington: GPO, 2015), p. 47.

[27] According to testimony from NPS, in July 2006, the George W. Bush Administration presented to Congress a draft of systemic NHA legislation based on the findings and recommendations of the National Park System Advisory Board. See testimony of Daniel Wenk of the National Park Service, in U.S. Congress, Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, Miscellaneous National Parks Bills, hearings, 110th Cong., 1st sess., March 20, 2007, S.Hrg. 110-73 (Washington, DC: GPO, 2007).

revisions that would more fully address the issues with the program."[28] In particular, the Trump Administration did not support the extension of funding authority for national heritage areas outlined in H.R. 1049, as amended, and several other individual heritage area bills introduced in the 116th Congress. Both in testimony and in annual NPS budget requests, the Trump Administration expressed a desire to focus resources on reducing the National Park Service's deferred maintenance backlog and to transition funding for the heritage area program to the state, local, or private entities that manage heritage areas.[29]

Opposition to an NHA system, as with opposition to individual NHAs, has come primarily from advocates of private property rights.[30] These opponents have expressed concerns that NHA system legislation would lead to restrictive regulations and loss of private land ownership even with legislative provisions to safeguard property rights.[31] For example, they have stated that heritage area LCEs—though themselves lacking power to make regulatory changes—could influence local legislators to change zoning laws and other regulations.

Additional NHA Legislation in the 117th Congress

In addition to H.R. 803, various other bills pertaining to existing NHAs or the designation of new heritage areas have been introduced in the 117th Congress. The majority of these bills seek to extend authorization limits for the 30 NHAs whose authorization is set to expire in 2021. For example, H.R. 956 would extend the authorization of federal funding for the National Aviation Heritage Area through 2036. Other bills would establish new national heritage areas, such as H.R. 670, which would establish the Bronzeville-Black Metropolis National Heritage Area in Chicago, IL.

Support, Opposition, and Challenges

Some believe the benefits of NHAs are considerable and thus Congress should expand its assistance for creating and sustaining heritage areas. Supporters view NHAs as important for protecting history, traditions, and cultural landscapes, especially where communities are losing their traditional economic base (e.g., industry or farming), facing a loss of population, or experiencing rapid growth from people unfamiliar with the region.[32] Advocates see NHAs as

[28] Testimony of P. Daniel Smith of the National Park Service, in U.S. Congress, Subcommittee on National Parks, Forests, and Public Lands of the House Committee on Natural Resources, hearings, 116th Cong., 1st sess., April 30, 2019, accessed at https://www.doi.gov/ocl/pending-legislation. Hereinafter referred to as P. Daniel Smith, 2019.

[29] P. Daniel Smith, 2019. See also U.S. Congress, House Committee on Natural Resources, Subcommittee on Oversight and Investigations, *Examining the Department of the Interior's Spending Priorities and the President's Fiscal Year 2018 Budget Proposal*, 115th Cong., 1st sess., June 22, 2017, H.Hrg. 115-11 (Washington: GPO, 2017), pp. 26-27; and, NPS, *Budget Justifications and Performance Information Fiscal Year 2021*, p. NR&P-2, at https://www.doi.gov/sites/doi.gov/files/uploads/fy2021-budget-justification-nps.pdf.

[30] For additional discussion on private property issues, see the sections of this report entitled "Ownership" and "Support, Opposition, and Challenges."

[31] See, for example, American Policy Center, "National Heritage Areas: The Land Grabs Continue," by Tom DeWeese, October 11, 2012, at http://americanpolicy.org/2012/10/11/national-heritage-areas-the-land-grabs-continue/; and Testimony of Robert J. Smith, Competitive Enterprise Institute and Center for Private Conservation, in U.S. Congress, Subcommittee on National Parks of the Senate Committee on Energy and Natural Resources, National Heritage Areas, hearings, 108th Cong., 2nd sess., June 24, 2004, S.Hrg. 108-692 (Washington, DC: GPO, 1004), p. 23. These commentators were considering earlier versions of NHA system legislation in the 112th and 108th Congresses, respectively.

[32] Testimony of Sara Capen, Chair of the Alliance of National Heritage Areas, in U.S. Congress, Subcommittee on National Parks, Forests, and Public Lands of the House Committee on Natural Resources, hearings, 116th Cong., 1st

unifying forces that increase people's pride in their traditions, foster a spirit of cooperation and unity, and promote a stewardship ethic among the public.[33]

Advocates of NHAs assert that heritage areas foster cultural tourism, community revitalization, and regional economic development.[34] Local governments and management entities often advertise heritage areas as entertaining and educational places for tourists and may offer activities such as stories, music, food areas, walking tours, boat rides, and celebrations. Through increased tourism, communities benefit locally when tourists visit and purchase services and products.[35] In some cases, increased heritage tourism, together with an emphasis on adaptive reuse of historic resources, has attracted broader business growth and development.[36]

Some supporters see NHAs as generally more desirable than other types of land conservation. They often prefer the designation of NHAs to other federally established designations, because the lands typically remain in nonfederal ownership and are administered locally.[37] Other NHA backers view establishing and managing federal areas, such as units of the National Park System, as too costly and observe that small federal investments in heritage areas have been successful in attracting funds from other sources.[38] Some proponents also see NHAs as flexible enough to encompass a diverse array of initiatives and areas, because the heritage concept lacks systemic laws or regulations; other supporters of NHAs favor a standardized program and process.[39]

Property rights advocates often oppose establishment of heritage areas. They contend that some national heritage areas lack significant local support.[40] These opponents promote routine notification of private property owners when their lands fall within proposed heritage areas, on the grounds that the NPS could exert a degree of federal control over nonfederal lands by influencing zoning and land-use planning.[41] Some raise concerns that the federal government would not routinely adhere to any private property protections in legislation. They are concerned

sess., April 30, 2019, accessed at https://naturalresources.house.gov/imo/media/doc/Capen,%20Sara%20-%20Written%20Testimony.pdf.

[33] National Parks Conservation Association (NPCA), "National Heritage Areas Preserve America's Landscapes and History," at https://www.npca.org/advocacy/59-national-heritage-areas-preserve-america-s-landscapes-and-history. Hereinafter referred to as NPCA, "National Heritage Areas."

[34] Alliance of National Heritage Areas (ANHA), "Economic Impact," accessed August 4, 2020, at https://www.nationalheritageareas.us/issues/#econ. Hereinafter referred to as ANHA, "Economic Impact."

[35] For examples of community benefits from NHAs, see NPS, "National Heritage Areas – Economic Impact Studies," web page accessed August 4, 2020, at https://www.nps.gov/subjects/heritageareas/economic_impact_studies.htm.

[36] ANHA, "Economic Impact."

[37] Alan W. Barton, "From Parks to Partnerships: National Heritage Areas and the Path to Collaborative Participation in the National Park Service's First 100 Years," *Natural Resources Journal* 56 (Winter 2016), at https://digitalrepository.unm.edu/nrj/vol56/iss1/5.

[38] NPCA, "National Heritage Areas."

[39] For examples of proponents in support of the current regulatory structure for NHAs, see Susan Martin-Williams and Steven Selin, "National Heritage Areas: Examining Organizational Development and the Role of the National Park Service as a Federal Partner," proceedings of the 2006 Northeastern Recreation Research Symposium, Bolton Landing, NY, April 9-11, 2006, pp. 367-376. For examples of advocates in support of systemic legislation, see ANHA, "Program Legislation," accessed August 4, 2020, at https://www.nationalheritageareas.us/issues/#program. Hereinafter referred to as ANHA, "Program Legislation."

[40] Peyton Knight, Director of Environmental and Regulatory Affairs, National Center for Public Policy Research, "National Heritage Areas—An Appearance of Innocence," speech presented at Tenth Annual National Conference on Property Rights, Property Rights Foundation of America, Albany, New York, October 14, 2006, accessed at https://prfamerica.org/speeches/10th/NatlHeritageAreas-AppearInnocent.html.

[41] Cheryl Chumley and Ronald D. Utt, "National Heritage Areas: Costly Economic Development Schemes That Threaten Property Rights," *Heritage Foundation Backgrounder* No. 2080, October 23, 2007.

that localities have to obtain the approval of the Secretary of the Interior for heritage area management plans and assert that some plans are overly prescriptive in regulating details of private property use.[42]

The lack of a general statute providing a framework for heritage area establishment, management, and funding has prompted criticism that the process is inconsistent and fragmented.[43] Some see a need to establish and define the criteria for creating NHAs, specify what NHAs are and do, and clarify the federal role in supporting these areas. There are concerns that the enactment of additional heritage bills could substantially increase the NPS's administrative and financial obligations. Some Trump Administration officials asserted that federal funds would be more appropriately spent on NPS park units and other existing protected areas rather than on the creation of new heritage areas.[44] Still others cite a need for a mechanism to hold the management entities accountable for the federal funds they receive and the decisions they make.[45]

Some observers recommend caution in creating NHAs because, in practice, NHAs may face various challenges to success.[46] For instance, heritage areas may have difficulty providing the infrastructure that increased tourism requires, such as additional parking, lodging, and restaurants. Some areas may need additional protective measures to ensure that increased tourism and development do not degrade the resources and landscapes. Still other NHAs may require improvements in leadership and organization of the management entities, including explaining their message and accomplishments. Some NHAs may have trouble attracting funds because the concept is not universally accepted as a sustainable approach to resource preservation or economic development.[47] Some conservationists think the protective measures are not strong enough, and some economic development professionals think the heritage idea does not fit the traditional framework for development. In addition, achieving and maintaining appropriate levels of public commitment to implementation may be challenging.[48]

[42] Testimony of Robert J. Smith, Director of the Center for Private Conservation, (108th Congress), June 24, 2004, before the Subcommittee on National Parks of the House Committee on Natural Resources, at https://www.govinfo.gov/content/pkg/CHRG-108shrg96736/pdf/CHRG-108shrg96736.pdf.

[43] ANHA, "Program Legislation."

[44] P. Daniel Smith, 2019.

[45] GAO, 2004, p. 11.

[46] Information on challenges to NHA success is found in Jane Daly, "Heritage Areas: Connecting People to their Place and History," *Forum Journal (Journal of the National Trust for Historic Preservation)*, vol. 17, no. 4 (summer 2003), pp. 5-12.

[47] Brenda Barrett, "Why Is Funding Large Landscape Work So Darn Hard?" *Living Landscape Observer*, July 1, 2015, at https//livinglandscapeobserver.net/why-is-funding-large-landscape-work-so-darn-hard/.

[48] For additional information on challenges to NHA success, see Brenda Barrett, "NHA@30, New National Parks for the 1990s: Thinning the Blood or a Much Needed Transfusion?," *Living Landscape Observer*, January 30, 2014, at http://livinglandscape.observer.net/nha30-new-national-parks-in-the-1990s-thinning-of-the-blood-or-a-much-needed-transfusion/. See also Alan W. Barton, "From Parks to Partnerships: National Heritage Areas and the Path to Collaborative Participation in the National Park Service's First 100 Years," *Natural Resources Journal*, vol. 56 (Winter 2016), pp. 23–54, at https://digitalrepository.unm.edu/nrj/vol56/iss1/5.

Appendix. Overview of Title XVII Provisions of H.R. 803

Table A-1. Overview of Title XVII Provisions of H.R. 803

Section 1701. Short Title

"National Heritage Area Act of 2021"

Section 1702. Definitions

Defines the following terms:

- *Feasibility Study*
- *Indian Tribe*
- *Local Coordinating Entity*
- *Management Plan*
- *National Heritage Area*
- *Secretary*
- *Study Area*
- *Tribal Government*

Section 1703. National Heritage Area System

Establishes the National Heritage Area System to be composed of existing NHAs and future NHAs designated by Congress, unless a future law designating an area specifically exempts if from the system.

Authorizes the Secretary of the Interior to provide technical and financial assistance to NHAs. Sets out other responsibilities of the Secretary of the Interior with regard to NHAs, such as preparing feasibility studies at the direction of Congress, reviewing and approving or disapproving management plans, entering into cooperative agreements, and evaluating and reporting on the accomplishments of NHAs.

Establishes the relationship of the NHA System to the NPS and clarifies that NHAs are not to be considered units of the national park system.

Section 1704. National Heritage Area System Management

MANAGEMENT PLAN—

Requires each NHA to develop a management and business plan. The bill sets out requirements of the plan including an inventory of resources and a strategy by which the local coordinating entity will achieve financial sustainability.

Requirements do not apply to management plans currently in effect.

Requires the local coordinating entity to submit a management plan to the Secretary for approval within three years after designation of the NHA.

EVALUATIONS—

Requires the Secretary to conduct an evaluation of each NHA not later than one year before the authorization for Federal funding expires.

Directs the Secretary to submit evaluations to Congress with recommendations on the NPS role regarding the area, including whether federal funding should be continued, eliminated, or reduced.

Allows for Secretary to meet evaluation requirement by updating an existing evaluation not more than five years before another evaluation would otherwise be required.

Provides Secretary with authority to conduct additional evaluations as deemed appropriate.

Section 1705. Study Areas

Authorizes the Secretary of the Interior to conduct studies of the suitability and feasibility of establishing an NHA or to review studies prepared by others. The bill sets out criteria by which areas would be evaluated, such as inclusion of worthy resources; availability of a local managing entity; and demonstration of support by local governments, residents, businesses, and nonprofit organizations.

Requires the Secretary to review studies prepared by others, and certify whether they meet the requirements set out in the bill, within one year of receipt.

Requires the Secretary to submit to Congress a report describing the findings of each study and the conclusions and recommendations of the Secretary.

Report must be submitted within three years of funds being provided for an NPS conducted study or within 180 days of the Secretary's certification of a study prepared by others.

Section 1706. Local Coordinating Entities

Sets out roles, responsibilities, and authorities of local coordinating entities.

Prohibits local coordinating entities from using federal funds to acquire any interest in real property.

Extends authorities of the Erie Canalway National Heritage Corridor Commission and the Gullah/Geechee Cultural Heritage Corridor Commission through September 30, 2035.

Section 1707. Property Owners and Regulatory Protections

Identifies the rights of public and private property owners, as well as treaty rights of any Indian Tribe within designated NHAs.

Section 1708. Authorization of Appropriations

Authorizes up to $750,000 per NHA per year for each of fiscal years 2022 through 2037.

Provides that, in general, the federal share of the total cost of any activity will be no more than 50%.

Provides that for NHAs with an existing federal match of less than 50%, the non-federal requirement will remain unchanged for two fiscal years after enactment, with a 10% increase annually thereafter until the nonfederal share is consistent with the 50% requirement for other NHAs.

Section 1709. Statutory Clarification

Specifies that any existing provisions of law that provide for authorization sunset dates, funding limitations, or evaluation requirements, are superceded and shall have no effect.

Specifies that any existing provisions of law that provide for the establishment management, administration, or operation of existing heritage areas are not affected by the bill unless otherwise specified.

Source: CRS with information from H.R. 803, as referred in the Senate. No further action has been taken as of March 15, 2021.

Notes: The table includes excerpted language from the majority of sections, but does not provide an exhaustive discussion of all provisions included in the bill.

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