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SENATE

REPORT
110–169

JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA ACT

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 289]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 289) to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes, having considered the same, reports favorably thereon with an amendent and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Journey Through Hallowed Ground National Heritage Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Journey Through Hallowed Ground National Heritage Area.

(2) MANAGEMENT ENTITY.—The term "management entity" means The Journey Through Hallowed Ground Partnership, a Virginia nonprofit corporation referred to in section 3(c), or its successor entity.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area.

(4) PARTNER.—The term "partner" means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the historical, cultural, and recreational resources of the Heritage Area.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas, as generally depicted on the map entitled "Journey Through Hallowed Ground National Heritage Area", numbered P90/80,000, and dated October 2006.

(2) MAP.—The map referred to in paragraph (1) shall be on file in the appropriate offices of the National Park Service.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be The Journey Through Hallowed Ground Partnership, a Virginia nonprofit corporation.

(d) BOARD OF TRUSTEES.—The board of trustees of the management entity shall include representatives from a broad cross-section of the individuals, agencies, organizations, States, and governments that—

(1) are partners of the management entity; and

(2) will oversee the development and implementation of the management plan.

SEC. 4. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITY TO ACCEPT FUNDS.—The management entity may accept funds from any Federal source and from States and their political subdivisions, private organizations, nonprofit organizations, or any other person to carry out its authorities and duties under this Act.

(2) USE OF FUNDS.—The management entity may use funds made available under this Act for purposes of preparing, updating, and implementing the management plan. Such purposes may include the following:

(A) Making grants to, and entering into cooperative agreements with, States and their political subdivisions, private organizations, non-profit organizations or any other person.

(B) Hiring and compensating staff.

(C) Entering into contracts for goods, services, and leases for office space.

(D) Undertaking any other initiatives that advance the purposes of the Heritage Area that are recommended in the management plan.

(b) MANAGEMENT PLAN.—The management entity shall develop a management plan for the Heritage Area that—

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

(2) takes into consideration existing State, county, and local plans and involves residents, public agencies, and private organizations working in the Heritage Area;

(3) includes a description of actions that units of government and private organizations and individuals have decided to undertake in furtherance of the purposes of this Act;

(4) specifies the existing and potential sources of funding to protect, support, manage, and develop the Heritage Area;

(5) includes an inventory of the natural, historical, cultural, architectural, scenic, and recreational resources in the Heritage Area that wish to be preserved, restored, supported, managed, developed, or maintained, because of the national historic significance of the resources;

(6) includes an analysis of ways in which local, State, and Federal programs may coordinate to promote the purposes of this Act; including recommendations from the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania (and political subdivisions thereof) for the management, protection, support, and interpretation of the natural, cultural, and historical resources of the Heritage Area;

(7) identifies appropriate partners and partnerships among Federal, State, and local governments, regional entities, and the private sector in furtherance of the purposes of the Act;

(8) includes locations for visitor contact and major interpretive facilities;

(9) includes provisions for appropriate living history demonstrations and battlefield reenactments;

(10) includes provisions for implementing a continuing program of interpretation for resident, student, and visitor education concerning the resources and values of the Heritage Area;

(11) includes provisions for a uniform historical marker and wayside exhibit program in the Heritage Area, including a provision for marking, with the consent of the owner, historic structures and properties that are contained within the historic core areas and contribute to the understanding of the Heritage Area;

(12) includes provisions for the protection and interpretation of the natural, cultural, and historic resources of the Heritage Area consistent with this Act; and

(13) includes provisions for the development of educational outreach programs for students of all ages to further the understanding of the vast resources within the Heritage Area.

(c) DEADLINE FOR SUBMISSION; PREREQUISITES.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary not later than the end of the three-year period beginning on the date on which funds are first made available for this Act.

(2) PREREQUISITES.—Before submitting the management plan to the Secretary, the management entity shall ensure that—

(A) the Commonwealth of Virginia, the States of Maryland and West Virginia, the Commonwealth of Pennsylvania, and any political subdivision thereof that would be affected by the management plan, receives a copy of the management plan;

(B) adequate notice of availability of the management plan is provided through publication in appropriate local newspapers in the area of the Heritage Area;

(C) at least one public hearing is conducted by the management entity at a location within the Heritage Area in each congressional district included in whole or in part in the Heritage Area to review and receive comments on the management plan; and

(D) a committee made up of elected officials of local governments within the boundaries of the Heritage Area, including mayors, town and county council chairs, and members of borough commissions and boards of supervisors, has had an opportunity to review, comment on, and approve (by majority vote) the management plan.

(d) TERMINATION OF FUNDING.—If a management plan is not submitted to the Secretary in accordance with subsection (c), the Secretary shall not, after the end of the period specified in such subsection, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(e) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the management plan;

(2) assist units of government, regional planning organizations, and nonprofit organizations in—

(A) establishing and maintaining interpretive materials and exhibits in the Heritage Area;

(B) developing historical and cultural resources and educational programs in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, cultural, architectural, scenic, and recreational resources and sites in the Heritage Area;

(D) the restoration of any historic building relating to the themes of the Heritage Area;

(E) ensuring that clear signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(F) carrying out other actions that the management entity determines to be advisable to fulfill the purposes of this Act;

(3) encourage by appropriate means economic viability in the Heritage Area consistent with the purposes of this Act;

(4) consider the interests of diverse governmental, business, nonprofit groups, and individuals within the Heritage Area; and

(5) for any year in which Federal funds have been provided to implement the management plan—

(A) conduct public meetings at least annually regarding the implementation of the management plan;

(B) submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each person to which any grant was made by the management entity in the year for which the report is made; and

(C) require, for all agreements entered into by the management entity authorizing expenditure of Federal funds by any other person, that the person making the expenditure make available to the management entity for audit all records pertaining to the expenditure of such funds.

(f) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or any interest in real property. No State or local subdivision of a State shall use any

Federal funds received pursuant to this Act to acquire any interest in real property by condemnation or otherwise.

SEC. 5. APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.

(a) TIME FOR CONSIDERATION; CRITERIA.—The Secretary, in consultation with the Governors of the Commonwealth of Virginia, the States of Maryland and West Virginia, and the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under section 4 not later than 180 days after receiving the plan. In considering the plan, the Secretary shall take into consideration the following criteria:

(1) The extent to which the management plan, when implemented, would adequately preserve, support and protect the significant historical, cultural and recreational resources of the Heritage Area.

(2) The level of public participation in the development of the management plan.

(3) The extent to which the board of trustees of the management entity is representative of the local governments affected and a wide range of interested organizations and citizens.

(b) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 180 days after the date it is submitted.

(c) APPROVING CHANGES.—The Secretary shall review and approve or disapprove any amendment to the management plan that would make a substantial change to the management plan, as determined by the Secretary. The review and approval or disapproval of an amendment shall be conducted in the manner provided under subsections (a) and (b). Funds appropriated under this Act may not be expended to implement the changes made by such an amendment unless and until the Secretary approves the amendment.

(d) AVAILABILITY OF ANNUAL REPORTS.—The management entity shall post each annual report prepared under section 4(e)(5)(B) on a website maintained by the management entity.

SEC. 6. PROVISION OF FINANCIAL AND TECHNICAL ASSISTANCE.

(a) OVERALL ASSISTANCE.—Upon the request of the management entity and subject to the availability of appropriations, the Secretary may provide technical and financial assistance to the management entity to carry out its duties under this Act, including updating and implementing the management plan and, prior to approval of the management plan, providing assistance for initiatives.

(b) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary, on request of the management entity, may provide technical assistance to the management entity to carry out the duties of the management entity under this Act, including updating and implementing the management plan and, prior to approval of the management plan, providing assistance for initiatives.

(2) LIMITATION.—Technical assistance provided under this subsection shall be provided on a reimbursable basis, except that this subsection does not preclude the Secretary from providing nonreimbursable assistance under subsection (a).

(c) PRIORITY.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(1) the implementation of the management plan;

(2) the provision of educational assistance and advice regarding management of the significant historic resources of the region;

(3) the development and application of techniques promoting the preservation of cultural, recreational and historic properties;

(4) the preservation, restoration, and reuse of publicly and privately owned historic buildings;

(5) the design and fabrication of a wide range of interpretive materials based on the management plan, including, among other things, guide brochures, visitor displays, audio-visual, books, interpretive dialogues, interactive exhibits, and educational curriculum materials for public education; and

(6) the implementation of initiatives prior to approval of the management plan.

(d) MATCHING FUNDS.—As a condition of providing financial assistance under this section to the management entity, the Secretary shall require the recipient to provide matching funds in an amount equal to the amount of the financial assistance provided by the Secretary. Recipient matching funds—

(1) shall be derived from non-Federal sources; and

(2) may be made in the form of in-kind contributions of goods and services fairly valued.

SEC. 7. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly and significantly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to the activities;

(2) cooperate with the Secretary and the management entity in carrying out the duties of the Secretary and the management entity under this Act and, to the maximum extent practicable, coordinate the activities with the carrying out of the duties; and

(3) to the maximum extent practicable, conduct or support the activities in a manner that shall not have an adverse effect on the Heritage Area.

SEC. 8. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

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

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

SEC. 9. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(2) prepare a report in accordance with subsection (c).

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

(1) assess the progress of the management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(c) REPORT.—

(1) IN GENERAL.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

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

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

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

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

SEC. 10. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this Act shall preclude the management entity from using Federal funds available under Acts other than this Act for the purposes for which those funds were authorized.

SEC. 11. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The Secretary may not make any grant or provide any other financial assistance under this Act after the expiration of the 15-year period beginning on the date of enactment of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this Act not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $10,000,000 may be appropriated to carry out this Act.

PURPOSE

The purpose of S. 289 is to establish the Journey Through Hallowed Ground National Heritage Area in Virginia, West Virginia, Maryland, and Pennsylvania.

BACKGROUND AND NEED

In 2005, the National Trust for Historic Preservation listed the area within the proposed Journey Through Hallowed Ground National Heritage Area as one of the 11 most endangered historic places in the nation. The area, which stretches for 175 miles along the route of the Old Carolina Road from Gettysburg, Pennsylvania, to Thomas Jefferson's Monticello near Charlottesville, Virginia, is believed to contain more sites illustrating Revolutionary War, Civil War, and presidential history than any other area of the United States. Some highlights from the area include homes of James Madison, Dwight Eisenhower, Zachary Taylor, Theodore Roosevelt, and Thomas Jefferson, and Civil War battlefields at Manassas, Monocacy, Ball's Bluff, Antietam, and Gettysburg.

Since 1996, a group of former developers, local elected officials, and others have been working to save the historic character of the area from inappropriate development. The area has been featured in national magazines and newspapers and enjoys the support of dozens of town councils and county commissions. A study to determine the feasibility of establishing the heritage area was completed in September 2006 and submitted to the Secretary of the Interior.

LEGISLATIVE HISTORY

S. 289 was introduced by Senators Warner, Cardin, Mikulski, Webb, Casey, and Rockefeller on January 12, 2007. The Subcommittee on National Parks held a hearing on S. 289 on March 20, 2007 (S. Hrg. 110–73).

During the 109th Congress, Senators Allen, Sarbanes, and Warner sponsored a similar measure, S. 2645. The Subcommittee on National Parks held a hearing on the bill on June 22, 2006 (S. Hrg. 109–663). No further action occurred prior to the sine die adjournment of the Congress.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 289 favorably reported with an amendment in the nature of a substitute.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 289, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 278, the Committee adopted an amendment in the nature of a substitute. The amendment deletes the Congressional findings, and modifies the management language for the heritage area to make it consistent with the authorities provided for other national heritage areas. The amendment also adds a requirement that the Secretary of the Interior conduct an evaluation of the heritage area not later than three years before the date authority for Federal funding terminates, to assess the progress of the management entity in accomplishing the purposes for which the heritage area was established and whether the goals and objectives of the management plan for the heritage area were achieved. The Secretary is required to submit a report of the findings of the evaluation to the Congressional authorizing Committees.

The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the "Journey Through Hallowed Ground National Heritage Area Act."

Section 2 defines the key terms used in the bill.

Section 3(a) establishes the Journey Through Hallowed Ground National Heritage Area ("heritage area").

Subsection (b) describes the boundaries of the heritage area, as identified on the referenced map.

Subsection (c) designates the Journey Through Hallowed Ground Partnership, a Virginia nonprofit organization, as the management entity for the heritage area.

Subsection (d) provides that the Board of Trustees of the management entity shall include representatives from a broad crosssection of the individuals, agencies, organizations, States, and governments that are partners of the management entity and which will oversee the development and implementation of the management plan.

Section 4 lists the authorities and duties of the management entity.

Subsection (a) authorizes the management entity to make grants in furtherance of the purposes of the heritage area, enter into cooperative agreements or provide technical assistance, hire staff, contract for goods and services, and undertake any other activity that advances the purposes of the heritage area and recommended in the management plan.

Subsection (b) lists the requirements for the management plan.

Subsection (c) requires the management entity to submit a management plan for the heritage area to the Secretary not later than 3 years after the day of enactment of the Act.

Subsection (d) provides that if the management plan is not submitted to the Secretary within three years after the date of enactment, the management entity is ineligible to receive further Federal funding until the plan is submitted.

Subsection (e) lists the duties of the management entity.

Subsection (f) prohibits the management entity from using Federal funds made available under this Act to acquire real property or an interest in real property. The subsection also prohibits a

State or local subdivision from using money under this Act to acquire any interest in real property by condemnation or otherwise.

Section 5(a) requires the Secretary to approve or disapprove the management plan within six months after receiving the plan.

Subsection (b) describes the procedure if the Secretary disapproves the management plan.

Subsection (c) requires that the Secretary review and approve or disapprove any amendment that would make a substantial change to the management plan.

Subsection (d) requires the management entity to post each annual report on its website.

Section 6(a) authorizes the Secretary to provide technical and financial assistance to the management entity to carry out its duties, subject to the availability of appropriations.

Subsection (b) authorizes the Secretary to provide technical assistance to the management entity on a reimbursable basis, including updating and implementing the management plan.

Subsection (c) identifies several actions that the Secretary shall give priority to when assisting the management entity, including those that assist in the implementation of the management plan.

Subsection (d) provides that the Secretary shall require the management entity to provide matching funds in an amount equal to the financial assistance provided by the Secretary, which may include in-kind contributions.

Section 7 states that any Federal entity conducting or supporting activities that directly and significantly affect the heritage area must consult with the Secretary and the management entity with respect to those activities, cooperate and coordinate with the Secretary and the management entity, and to the maximum extent practicable, conduct or support the activities in a manner that will not have an adverse effect on the heritage area.

Section 8 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 9(a) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates.

Subsection (b) provides that the evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments.

Subsection (c) requires the Secretary to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 10 clarifies that nothing in this Act precludes the management entity from using Federal funds available under other laws for the purpose for which those funds were authorized.

Section 11 provides that the authority for the Secretary to make grants or provide other financial assistance under this Act terminates 15 years after the date of enactment.

Section 12 authorizes total appropriations of $10 million, with not more than $1 million appropriated for any fiscal year, and subject to the non-Federal match.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

JULY 27, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 289, the Journey Through Hallowed Ground National Heritage Area Act.

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

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 289—Journey Through Hallowed Ground National Heritage Area Act

Summary: S. 289 would establish the Journey Through Hallowed Ground National Heritage Area (NHA) along the corridor from Gettysburg, Pennsylvania, to Charlottesville, Virginia. The bill would designate the Journey Through Hallowed Ground Partnership as the local coordinating entity for the proposed NHA. The partnership would be responsible for developing and implementing a management plan to develop, restore, and maintain the NHA.

The legislation would authorize the appropriation of $10 million, not to exceed $1 million annually, for financial assistance to the partnership over the next 15 years. CBO estimates that implementing S. 289 would cost $5 million over the 2008–2012 period, with additional amounts spent after 2012. Enacting S. 289 would not affect revenues or direct spending.

S. 289 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	1	1	1	1	1

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
Estimated Outlays	1	1	1	1	1

Basis of estimate: Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 289 would cost $5 million over the 2008–2012 period and $5 million over the following five to 10 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area.

Intergovernmental and private-sector impact: S. 289 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On March 16, 2007, CBO transmitted a cost estimate for H.R. 319, the Journey Through Hallowed Ground National Heritage Area Act, as ordered reported by the House Committee on Natural Resources on March 7, 2007. Assuming appropriation of the necessary amounts, CBO estimated that implementing H.R. 319 would cost $5 million over the 2008–2012 period and an additional $5 million over the 10 years after 2012.

Estimate prepared by: Federal Costs: Tyler Kruzich; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 289. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 289, as ordered reported.

EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the March 20, 2007, Subcommittee hearing on S. 289 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on S. 289, a bill to establish the Journey Through Hallowed Ground National Heritage Area.

While a national heritage area feasibility study by the Journey Through Hallowed Ground Partnership has found the Journey Through Hallowed Ground National Heritage Area appropriate for designation, we recommend that the committee defer action on S. 289 and all other proposed heritage area designations until program legislation is en-

acted that establishes guidelines and a process for the designation of national heritage areas. Last year, the Administration sent to Congress a legislative proposal to establish guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact national heritage area program legislation. This legislation would provide a much-needed framework for evaluating proposed national heritage areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the expectation that heritage areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

The proposed Journey Through Hallowed Ground National Heritage Area would span a region of approximately 175 miles along Route 15 and part of Route 20, from Gettysburg, Pennsylvania through Maryland and West Virginia to Charlottesville, Virginia. The region is rich in historic and natural resources including the homes of Presidents Thomas Jefferson, James Madison, James Monroe, and Dwight David Eisenhower, and includes significant Revolutionary and Civil War sites. Revolutionary War sites include Willow Grove, the temporary headquarters of Generals Wayne and Muhlenberg; Point of Fork Arsenal; Castle Hill, home of colonial leader Dr. Thomas Walker; and the Hessian Barracks, used as a prison for British soldiers. Civil War sites include the battlefields of Gettysburg, Monocacy, Antietam, Brandy Station, and Chancellorsville, among others. The region is also crossed by numerous historic trails and byways relating to the Civil War and other scenic resources. All told, there are an estimated 7,000 buildings in the area listed on the National Register of Historic Places, 13 National Historic Landmarks, and two World Heritage Sites.

S. 289 would establish the Journey Through Hallowed Ground National Heritage Area and designate the Partnership as the management entity. The Partnership is a nonprofit corporation that has conducted a significant number of public meetings, an important requirement for evaluating local support for the designation of a national heritage area. The bill prescribes the duties of the management entity, requires the development of a management plan by the Partnership to be approved by the Secretary, and includes a 15-year authorization for up to $1

million per year not to exceed a total of $10 million. As this proposed heritage area would transverse four states, we strongly encourage the Partnership to represent the interests of all four states.

If the committee chooses to move forward with this bill, the Department would like to work with the committee on some technical corrections to the bill. In addition, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

Mr. Chairman, that concludes my testimony, and I am prepared to answer any questions that you or other members of the committee might have at this time.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 289, as ordered reported.

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