

MAURICE D. HINCHEY HUDSON RIVER VALLEY
NATIONAL HERITAGE AREA ENHANCEMENT ACT

NOVEMBER 26, 2024.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 390]

The Committee on Natural Resources, to whom was referred the bill (H.R. 390) to amend the Hudson River Valley National Heritage Area Act of 1996 (Public Law 104-333; 54 U.S.C. 320101 note) to include all of Saratoga and Washington Counties in the boundaries of the Hudson River Valley National Heritage Area, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maurice D. Hinchey Hudson River Valley National Heritage Area Enhancement Act”.

SEC. 2. DEFINITIONS.

In this Act:

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

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

(3) STUDY AREA.—The term “study area” means Saratoga and Washington Counties in the State.

SEC. 3. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA STUDY.

The Secretary, in consultation with State and local historic preservation officers, State and local historical societies, State and local tourism offices, and other appropriate organizations and governmental agencies, shall carry out, in accordance with section 120103(a) of title 54, United States Code, a study to assess the suitability and feasibility of designating the study area as part of the Maurice D. Hinchey Hudson River Valley National Heritage Area established under the Hudson River Valley National Heritage Area Act of 1996 (Public Law 104-333; 54 U.S.C. 320101 note).

PURPOSE OF THE LEGISLATION

The purpose of H.R. 390 is to amend the Hudson River Valley National Heritage Area Act of 1996 (Public Law 104–333; 54 U.S.C. 320101 note) to include all of Saratoga and Washington Counties in the boundaries of the Hudson River Valley National Heritage Area.

BACKGROUND AND NEED FOR LEGISLATION

In 1984, President Reagan signed bipartisan legislation establishing the country’s first national heritage area (NHA), which broadly “recognize certain areas of the United States that tell nationally significant stories [and] conserve, enhance, and interpret those nationally significant stories and the natural, historic, scenic, and cultural resources of areas.”¹ Today, there are 62 NHAs in 36 states that “illustrate significant aspects of the heritage of the United States.”² NHAs are unique public-private partnerships that allow for the promotion of natural or cultural resources without federal management or ownership.³ In the typical NHA, land is not federally owned but is instead held by state or local governments, private landowners, or some combination of those groups.⁴ As such, NHAs are not units of the National Park System, although the National Park Service (NPS) may provide NHAs with financial and technical assistance. Because NHAs are “lived-in landscapes,” they are designed to empower locally led approaches to resource conservation and economic development.⁵ To elevate grassroots-level decision-making, Congress frequently assigns a local coordinating entity (LCE), such as a state or local agency or non-profit organization, to be an NHA’s lead management organization.⁶

NHAs receive funding from varied sources, including private charities and donors, state and local governments, and federal appropriators.⁷ Federal funding is usually divided during the annual appropriations process between direct grantmaking support for individual NHAs and general administrative costs for the overall NHA program.⁸ NPS then distributes authorized federal funds to NHA entities, typically through the designated LCEs.⁹ In turn, the LCEs are generally required to match all federal funding received one-to-one.¹⁰ Once distributed, federal funds can be used for locally guided projects, such as rehabilitating important sites, developing tours, establishing exhibits and programs, and improving public awareness of the NHA.¹¹ Most NHAs are subject to an annual

¹ Pub. Law. 117–339, <https://www.congress.gov/117/plaws/publ339/PLAW-117publ339.pdf>. “National Heritage Areas,” National Park Service, U.S. Department of the Interior, 2021, <https://www.nps.gov/subjects/heritageareas/upload/Final-printed-NHA-unigrid-2021-55-areas-508-L.pdf>. “What is a National Heritage Area?” National Park Service, U.S. Department of the Interior, June 17, 2019, <https://www.nps.gov/articles/what-is-a-national-heritage-area.htm>.

²*Id.*

³*Id.*

⁴*Id.*

⁵*Id.*

⁶*Id.*

⁷ Mark K. DeSantis, “National Heritage Areas: Background and Issues for Congress,” Congressional Research Service, April 17, 2023, <https://crsreports.congress.gov/product/pdf/RL/RL33462>.

⁸*Id.*

⁹ “What is a National Heritage Area?” National Park Service, U.S. Department of the Interior, June 17, 2019, <https://www.nps.gov/articles/what-is-a-national-heritage-area.htm>. Mark K. DeSantis, “National Heritage Areas: Background and Issues for Congress,” Congressional Research Service, April 17, 2023, <https://crsreports.congress.gov/product/pdf/RL/RL33462>.

¹⁰*Id.*

¹¹*Id.*

funding limit of \$1 million, but actual expenditures have historically tended to be lower than that amount.¹²

After NHAs exploded in popularity, Congress passed the “National Heritage Area Act” (NHA Act) during the 117th Congress to formalize the NHA System and protect private property rights.¹³ The NHA Act established the National Heritage Area System, set formal criteria for designating NHAs, and created uniform funding and management standards.¹⁴ Through these changes, the NHA Act sought to minimize the differences and administrative inefficiencies that resulted from creating NHAs under separate enabling acts.¹⁵ The NHA Act also set forth stringent requirements protecting private property rights and development activity in NHAs, ensuring that designations did not confer any regulatory or land use authority to the local LCE.¹⁶ In addition to NHA Act requirements, an individual NHA’s enabling statute often includes provisions that protect the rights of existing property owners within the designated area and prevent any federal land acquisitions.¹⁷

Established in 1996, the Maurice D. Hinchey Hudson River Valley National Heritage Area (Hudson River Valley NHA) was among the earliest NHAs to be designated by Congress.¹⁸ Following the Hudson River for 154 miles of its course through New York state, the Hudson River Valley NHA encompasses 10 counties, 250 communities, and approximately 3 million acres of diverse geography, woods, and farmland.¹⁹ From north to south, the Hudson River Valley NHA extends from the confluence of the Hudson and Mohawk Rivers near Albany down to the northern suburbs of New York City.²⁰ This vast region contains 107 distinct heritage sites, reflecting the Hudson River Valley’s natural, historic, and cultural contributions to the nation.²¹ This includes sites related to the American Revolutionary War, Civil War, and Underground Railroad.²²

Recognizing the vital importance of this region to the national story, H.R. 390, the “Maurice D. Hinchey Hudson River Valley National Heritage Area Enhancement Act,” would direct the Secretary of the Interior, in consultation with State and local entities, to examine the suitability and feasibility of designating Saratoga and Washington Counties in the State of New York as part of the Hudson River Valley NHA. H.R. 390 would mark an important step towards expanding opportunities for Saratoga and Washington Counties to attract more tourism and support local economic develop-

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ “About the Maurice D. Hinchey Hudson River Valley National Heritage Area,” Hudson River Valley National Heritage Area, <https://www.hudsonrivervalley.com/>.

¹⁹ “Hudson River Valley National Heritage Area: Overview & Boundaries,” Hudson River Valley Greenway, <https://hudsongreenway.ny.gov/hudson-river-valley-national-heritage-area>.

²⁰ *Id.*

²¹ “Hudson River Valley: Maurice D. Hinchey Hudson River Valley National Heritage Area,” Hudson River Valley National Heritage Area, 2024, <https://www.hudsonrivervalley.com/documents/nationalheritagearea1-pdf>.

²² *Id.* “Themes of the Hudson River Valley National Heritage Area,” Hudson River Valley National Heritage Area, <https://www.hudsonrivervalley.com/about/themes>.

ment.²³ This bipartisan bill is led by Representatives Elise Stefanik (R–NY) Paul Tonko (D–NY).²⁴

COMMITTEE ACTION

H.R. 390 was introduced on January 17, 2023, by Rep. Elise Stefanik (R–NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On June 27, 2024, the Subcommittee on Federal Lands held a hearing on the bill. On November 20, 2024, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 390 by unanimous consent. Chairman Bruce Westerman (R–AR) offered an Amendment in the Nature of a Substitute designated Westerman ANS 110. The amendment in the nature of a substitute was agreed to by unanimous consent. The bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on June 27, 2024.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the bill the “Maurice D. Hinchey Hudson River Valley National Heritage Area Enhancement Act.”

Section 2. Definitions

Section 2 provides definitions for relevant terms in the legislation.

Section 3. Hudson River Valley National Heritage Area study

Section 3 directs the Secretary of the Interior, in consultation with State and local historic preservation offices, historical societies, tourism offices, and other appropriate organizations and agencies to examine the suitability and feasibility of designating Saratoga and Washington Counties in the State of New York as part of the Maurice D. Hinchey Hudson River Valley National Heritage Area.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

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

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the

²³*Id.*

²⁴H.R. 390, 118th Congress, <https://www.congress.gov/bill/118th-congress/house-bill/390>.

Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Hudson River Valley National Heritage Area Act of 1996 (Public Law 104–333; 54 U.S.C. 320101 note) to include all of Saratoga and Washington Counties in the boundaries of the Hudson River Valley National Heritage Area.

EARMARK STATEMENT

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

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

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

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

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

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

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources,
H.R. 390 would make no changes in existing law.

