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SENATE

{ REPORT
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ALABAMA BLACK BELT NATIONAL HERITAGE AREA ACT

AUGUST 5, 2010.—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. 2892]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2892) to establish the Alabama Black Belt National Heritage Area, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Beginning on page 1, strike line 6 and all that follows through page 6, line 7, and insert the following:

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Designation of Alabama Black Belt National Heritage Area.
- Sec. 4. Local coordinating entity.
- Sec. 5. Management plan.
- Sec. 6. Evaluation; report.
- Sec. 7. Relationship to other Federal agencies.
- Sec. 8. Private property and regulatory protections.
- Sec. 9. Authorization of appropriations.
- Sec. 10. Use of Federal funds from other sources.
- Sec. 11. Termination of financial assistance.

SEC. 2. DEFINITIONS.

- 2. On page 7, line 1, strike “5” and insert “3”.
- 3. On page 7, strike lines 6 and 7 and insert the following:

(b) BOUNDARIES.—The National Heritage Area

- 4. On page 7, strike lines 14 through 20.
- 5. On page 7, line 21, strike “6” and insert “4”.
- 6. On page 10, line 9, strike “7” and insert “5”.

7. On page 16, line 20, strike “8” and insert “6”.
8. On page 18, line 1, strike “9” and insert “7”.
9. On page 18, line 23, strike “10” and insert “8”.
10. On page 20, line 5, strike “11” and insert “9”.
11. On page 20, line 12, strike “\$15,000,000” and insert “\$10,000,000”.
12. On page 20, line 19, strike “12” and insert “10”.
13. On page 21, line 1, strike “13” and insert “11”.

PURPOSE

The purpose of S. 2892 is to establish the Alabama Black Belt National Heritage Area.

BACKGROUND AND NEED

The Black Belt region of Alabama (Black Belt) stretches across the lower-central portion of Alabama, from the eastern border of Mississippi to the western border of southern Georgia. The Black Belt is characterized by its distinctive geography and its exceptionally fertile black soil.

In the 1820s and 1830, this soil influenced the construction of a large network of cotton plantations, which in turn made the region one of the wealthiest and most politically powerful in the United States. When the Civil War began in the early 1860s, the city of Montgomery was established as the first capital of the Confederacy. The region is recognized by many as the center of the civil rights movement of the 1950s and 1960s. Several events pivotal in the civil rights movement took place in the region including the Montgomery bus boycott, the bombing of the Sixteenth Street Baptist Church, and the march from Selma to Montgomery, which helped lead to the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

The geography of the Black Belt is comprised of threatened prairies, forests, and rivers, and the area contains diverse species of flora and fauna as well as many fossils, including shells and bones of ancient sea life.

The Black Belt contains three units of the National Park System: the Selma to Montgomery National Historic Trail, the Tuskegee Airmen National Historic Site, and the Tuskegee Institute National Historic Site. The region includes the Talladega National Forest and the Tuskegee National Forest. The Bartram Trail, a National Recreation Trail, runs through the Tuskegee National Forest. Additionally, the region contains two National Wildlife Refuges and two Army Corps of Engineers projects: the Alabama River Lakes and the Black Warrior and Tombigbee Lakes, river basins that are home to public recreation and natural resources sites.

The Alabama Black Belt Heritage Area Task Force was formed in 2004 with the purpose of exploring National Heritage Area designation. It completed a Feasibility Study in February 2009, which concluded that National Heritage Area designation would best promote and preserve the unique historical, cultural, ecological, and geographical assets of the Black Belt, while creating much-needed economic and community development.

S. 2892 would provide a cooperative management framework that would encourage cooperation between all levels of government, the private sector, and local communities to protect and develop the

historical, cultural, natural, and recreational resources of the region.

LEGISLATIVE HISTORY

S. 2892 was introduced by Senators Shelby and Sessions on December 16, 2009. The Subcommittee on National Parks held a hearing on the bill on March 17, 2010. The Committee on Energy and Natural Resources considered the bill and adopted amendments at its business meeting on June 16, 2010. The Committee ordered S. 2892 favorably reported, as amended, at its business meeting on June 21, 2010.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass S. 2892, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 2892, the Committee adopted several amendments. The first amendment strikes the Congressional findings and purposes sections. The remaining amendments strike a map reference, change the limitation on total appropriated funds from \$15,000,000 to \$10,000,000, and make other technical and conforming changes.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Alabama Black Belt National Heritage Area Act”.

Section 2 defines key terms used in the bill.

Section 3(a) establishes the Alabama Black Belt National Heritage Area in the State of Alabama.

Subsection (b) provides that the boundaries of the heritage area consist of sites designated by the management plan, and lists the counties that the heritage area encompasses.

Section 4(a) designates the Center for the Study of the Black Belt at the University of West Alabama as the local coordinating entity for the heritage area.

Subsection (b) details the duties of the local coordinating entity.

Subsection (c) lists the authorities of the local coordinating entity and authorizes the local coordinating entity to use Federal funds to make grants, enter into cooperative agreements or provide technical assistance, hire staff, obtain funds or services from any source, contract for goods or services, and support activities of partners and any other activities that further the purposes of the heritage area and are consistent with the management plan.

Section 5(a) provides the requirements for the contents of the management plan.

Subsection (b) requires the local coordinating entity to submit the management plan to the Secretary for review no later than three years after the date on which the funds are made available to carry out this Act. If the management plan is not submitted within the three-year period, Federal funding is suspended until the plan is submitted to the Secretary.

Subsection (c) requires the Secretary to approve or disapprove the management plan within six months after receiving the plan and lists the criteria he is to consider in determining whether to approve or disapprove the plan. The Secretary must review and approve or disapprove any amendment that would make a substantial change to the management plan, and authorizes him to provide technical assistance and enter into cooperative agreements with the heritage area.

Section 6(a) requires the Secretary to conduct an evaluation of the National Heritage Area that assesses the progress of the local coordinating entity with respect to accomplishing the purposes of this Act and whether the local coordinating entity achieved the goals and objectives of the approved management plan. The evaluation is also required to analyze governmental and private investments in the heritage area to their impact.

Subsection (b) requires the Secretary to prepare a report, not later than three years before the date on which Federal funding terminates, based on the evaluation. It must include recommendations for the future role of the National Park Service, if any, for the heritage area. The report is to be submitted to the House and Senate authorizing committees.

Section 7(a) clarifies that nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of a Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

Subsection (c) clarifies that nothing in this Act modifies authorities of Federal agencies to manage Federal land, limits the discretion of a Federal agency to implement an approved land use plan, or modifies or alters any authorized use of Federal land.

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) authorizes not more than \$1 million to be appropriated for any fiscal year.

Subsection (b) authorizes total appropriations of \$10 million.

Subsection (c) requires Federal funding to be matched on a 50:50 basis by funds from non-Federal sources, including in the form of in-kind contributions of goods or services.

Section 10 clarifies that the local coordinating entity is not prohibited from using Federal funds available under other laws for the purposes of this Act.

Section 11 provides that the authority of the Secretary to provide assistance under this Act terminates 15 years after the date of enactment.

COST AND BUDGETARY CONSIDERATIONS

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

S. 2892—Alabama Black Belt National Heritage Area Act

S. 2892 would establish the Alabama Black Belt National Heritage Area in Alabama. (The Black Belt is a region of the southeastern United States that is known for its fertile soil.) The bill would designate the Center for the Study of the Black Belt at the University of West Alabama as the management entity for the proposed heritage area and would authorize the appropriation of \$10 million for financial assistance to the center and other eligible entities over the next 15 years.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2892 would cost \$5 million over the 2011–2015 period and an additional \$5 million after 2015. Enacting the legislation would have no effect on direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

S. 2892 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. The estimate was approved by Theresa Gullo, 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. 2892.

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. 2892, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

In accordance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides the following identification of congressionally directed spending items contained in the bill, as reported:

Section	Provision	Member
9	Authorization of Appropriations	Sen. Shelby.

EXECUTIVE COMMUNICATIONS

The testimony provided by the National Park Service at the March 17, 2010 Subcommittee hearing on S. 2892 follows:

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

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on S.

2892, a bill to establish the Alabama Black Belt National Heritage Area, and for other purposes.

The Department recommends that the committee defer action on S. 2892 until program legislation is enacted that establishes criteria to evaluate potentially qualified national heritage areas and a process for the designation and administration of these areas. The Administration anticipates submitting such a legislative proposal to you in the near future, and we recommend that Congress enact national heritage area program legislation this Congress. In addition, we recommend deferring action on S. 2892 until the National Park Service completes its final review of the feasibility study for the proposed Alabama Black Belt National Heritage Area. The Administration's FY 2011 Budget proposes to reduce funding for national heritage areas to focus resources on those park activities that most closely align with its core mission and encourage areas to become self-sufficient, consistent with a FY 2010 Congressional directive.

There are currently 49 designated national heritage areas, yet there is no authority in law that guides the designation and administration of these areas. Program 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 was introduced in the 109th and 110th Congresses, and we look forward to continuing to work with Congress on this very important issue.

The feasibility of the Alabama Black Belt area for designation as a national heritage area is the subject of a study now being finalized by the Alabama Black Belt Heritage Area Task Force. Since the creation of the task force in 2006, it has grown from a group of ten people into an active organization with over 65 members across 19 counties. The organization has worked closely with the National Park Service and the Alliance of National Heritage Areas to demonstrate a strong basis for seeking potential national heritage area status. The task force has also implemented several successful projects in the Black Belt region.

The draft feasibility study includes an extensive inventory of cultural and natural resources of the region; identifies four interpretive themes; describes the plans for management, preservation, and interpretation of the region; and, contains a detailed environmental assessment. It indicates that the proposal for a national heritage area has strong support from the public and a myriad of state, local, federal, and nongovernmental partners throughout the area that are essential for successful planning and implementation of a national heritage area. It recommends that the Center for the Study of the Black Belt at the University of West Alabama serve as the local coordinating entity for the proposed national heritage area, as provided for in

S. 2892. The center was identified as the preferred management entity based on its ability to provide a sustainable foundation for the implementation of a national heritage area, promote an integrated vision and leadership, engage ongoing community participation, build reciprocal partnerships, and facilitate programs across all 19 counties included in the proposed Alabama Black Belt National Heritage Area.

Geographically, Alabama's Black Belt is part of a larger crescent-shaped area known as the Southern Black Belt, which extends from Virginia to Texas. The term refers to the fertile black soil of the region. This soil drew pioneers to settle the lower-central portion of Alabama in the 1820s and 1830s where they established and operated a network of cotton plantations using the labor of enslaved African Americans.

During the Antebellum era, the Alabama Black Belt became one of the wealthiest and most politically powerful regions in the United States. Thriving commerce elevated Montgomery, Selma, and Demopolis into some of the nation's most affluent towns. The architecture that grew out of this plantation culture produced some of the finest churches and rural residences in the state, including Rosemount and Thornhill in Greene, Countryside in Camden, and Gaineswood in Demopolis. When the Civil War began, Montgomery was chosen as the first capital of the Confederacy. The region's distance from the front lines saved it from much of the ravages of the war.

During the Twentieth Century, this area gained fame as the site where the Tuskegee Airmen trained during World War II, and as a center of the civil rights movement in the 1950s and 1960s. Montgomery County was the site of the 1955–56 bus boycott that challenged segregation of public transportation. Highway 80 in Dallas, Lowndes, and Montgomery counties shaped the route taken by participants of the historic march for equal rights from Selma to Montgomery in 1965. The Lowndes County Freedom Organization, later the Black Panther Party, was an outgrowth of that march.

Rivers and streams from several large basins—the Sipsey-Warrior, Coosa-Tallapoosa, Alabama-Cahaba, Tombigbee, and Chattahoochee—flow through the Alabama Black Belt. When cotton was the dominant crop grown in the region, the Black Belt's many navigable waterways enabled growers to transport their harvests to the docks in Mobile for shipment abroad. Row crops are less prevalent today as more of the rural Black Belt land is now used for livestock or aquaculture.

While largely viewed as a region of hardship, the Alabama Black Belt has produced a rich variety of artists, musicians, writers, and other public figures. Notable figures from this region include Booker T. Washington, Rosa Parks, Harper Lee and Truman Capote. Three sites in the region managed by the National Park Service commemorate nationally significant history: the Tuskegee Airmen

National Historic Site and the Tuskegee Institute National Historic Site, both units of the National Park System, and the Selma to Montgomery National Historic Trail.

If the committee decides to move forward with S. 2892, we would like to work with the committee to provide the appropriate map reference for the national heritage area and to ensure that the language of the bill is consistent with previously enacted national heritage area designations.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or any members of the subcommittee may have.

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. 2892, as ordered reported.