

XX. NATIONAL HERITAGE AREAS

1. Blackstone River Valley National Heritage Corridor

PUBLIC LAW 99-647—NOV. 10, 1986

100 STAT. 3625

Public Law 99-647
99th Congress

An Act

To establish Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

Nov. 10, 1986
[S. 1374]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR

SECTION 1. That for the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways and structures within the Blackstone River Valley in the States of Massachusetts and Rhode Island there is hereby established the Blackstone River Valley National Heritage Corridor (hereafter in this Act referred to as the "Corridor"). It is the purpose of this Act to provide a management framework to assist the States of Massachusetts and Rhode Island and their units of local government in the development and implementation of integrated cultural, historical and land resource management programs in order to retain, enhance and interpret the significant values of the lands, waters and structures of the Corridor.

Conservation.
Cultural
programs.
Public lands.
Historic
preservation.
16 USC 46 note.

BOUNDARIES AND ADMINISTRATION

SEC. 2. (a) BOUNDARIES.—The boundaries shall include those lands generally depicted on a map entitled Blackstone River Valley National Heritage Corridor, numbered BRV-80-80,000 and dated October 1986. The map shall be on file and available for public inspection in the office of the Department of the Interior in Washington, DC and the Massachusetts and Rhode Island Departments of Environmental Management. The Secretary of the Interior (hereafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practical after the date of enactment of this Act a detailed description and map of the boundaries established under this subsection.

Public
information.
District of
Columbia.
Federal
Register,
publication.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

SEC. 3. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Blackstone River Valley National Heritage Corridor Commission (hereafter known as the "Commission") whose purpose shall be to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2.

State and local
governments.

(b) MEMBERSHIP.—The Commission shall be composed of nineteen members appointed by the Secretary as follows:

(1) the Director of the National Park Service, ex officio, or a delegate;

(2) six individuals nominated by the Governors of Rhode Island and Massachusetts and appointed by the Secretary, who shall be the Department of Environmental Management Directors from Rhode Island and Massachusetts, the State Historic Preservation Officers from Massachusetts and Rhode Island, and the Department of Economic Development Directors from Massachusetts and Rhode Island;

(3) four representatives of local government from Massachusetts and four from Rhode Island nominated by the Governor of their State and appointed by the Secretary, to represent the interests of local government; and

(4) two individuals, nominated by the Governor of Massachusetts and two individuals nominated by the Governor of Rhode Island appointed by the Secretary, to represent other interests each Governor deems appropriate.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) TERMS.—Members of the Commission shall be appointed for terms of three years.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away from their home or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission.

(f) QUORUM.—(1) Ten members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(3) The affirmative vote of not less than ten members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or ten of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

STAFF OF THE COMMISSION

SEC. 4. (a) Staff.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the States of Massachusetts and Rhode Island (and any political subdivision thereof) and may reimburse that State or political subdivision for those services.

POWERS OF COMMISSION

SEC. 5. (a) HEARINGS.—(1) The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1954, any gift to the Commission shall be deemed to be a gift to the United States.

26 USC 170.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land managing agency, as

determined by the Commission. Any such conveyance shall be made—

- (A) as soon as practicable after such acquisition;
- (B) without consideration; and
- (C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Massachusetts and the State of Rhode Island, with any political subdivision of each State, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State of Massachusetts and the State of Rhode Island, such political subdivision, or such person which may affect the implementation of the plan.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as the Commission deems necessary to ensure open communication with, and assistance from, the State of Massachusetts and the State of Rhode Island, political subdivisions of the State of Massachusetts and the State of Rhode Island, and interested persons.

DUTIES OF THE COMMISSION

State and local governments.

SEC. 6. (a) PREPARATION OF PLAN.—Within one year after the Commission conducts its first meeting, it shall submit a Cultural Heritage and Land Management Plan to the Secretary and the Governors of Massachusetts and Rhode Island for review and approval for ninety days. The plan shall be based on existing State plans, but shall coordinate those plans and present a unified historic preservation and interpretation plan for the Corridor. The plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural significance;

(2) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the Corridor;

(3) develop an historic interpretation plan to interpret the history of the valley;

(4) contain policies for land use management which consider and detail the application of appropriate land and water management techniques, including but not limited to local zoning, use of easements and development of intergovernmental cooperative agreements, so as to protect the Corridor's historical, cultural, scenic and natural resources and enhance water quality of the Blackstone River in a manner consistent with supporting economic revitalization efforts;

(5) contain a coordination and consistency component which details the ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(6) contain a program for State and local government implementation of the plan.

(b) APPROVAL OF THE PLAN.—(1) No plan submitted to the Secretary under this section shall be approved unless the Secretary finds that the plan, if implemented, would adequately protect the

significant historical and cultural resources of the Corridor and consistent with such protection provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor.

(2) In determining whether or not to approve the Plan, the Secretary shall consider whether:

(A) the Commission has afforded adequate opportunity, including public hearings for public and governmental involvement in the preparation of the plan;

(B) he has received adequate assurances from appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the plan and such program will ensure effective implementation of the State and local aspects of the plan.

(3) If the Secretary disapproves the plan, he shall advise the Commission in writing of the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions to the plan, the Secretary shall have forty-five days to either approve or disapprove the plan.

(c) IMPLEMENTATION OF THE PLAN.—(1) After review and approval of the plan by the Secretary and the Governors of Massachusetts and Rhode Island as provided in subsections (a) and (b) the Commission shall give priority to actions which assist in—

(A) preserving and interpreting the historic resources of the valley;

(B) completing State and local parks in the Corridor; and

(C) supporting public and private efforts in economic revitalization consistent with the goals of the Cultural Heritage Plan.

(2) Priority actions to be carried out under paragraph (1) shall include—

(A) assisting the States in appropriate preservation treatment of the Blackstone Canal;

(B) assisting the States in designing, establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(C) encouraging private landowners adjacent to the canal or river to retain or reestablish, where possible, vegetative, or other buffers as specified in the State park plans;

(D) assisting in the enhancement of public awareness of an appreciation for the historical and architectural and geological resources and sites in the Corridor;

(E) assisting the State or any local government or any nonprofit organization in the restoration of any historic building in the Corridor;

(F) encouraging, by appropriate means, enhanced economic and industrial development in the Corridor consistent with the goals of the plan;

(G) encouraging local governments to adopt land use policies consistent with the goals of the State park and the plan and to take actions to implement those policies; and

(H) ensuring that clear, consistent signs identifying access points and sites of interest is put in place.

State and local governments.

TERMINATION OF COMMISSION

SEC. 7. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring five years after the date of the enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than five years beginning on the day referred to in subsection (a) if, not later than one hundred and eighty days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

(3) the Governor of Massachusetts, the Governor of Rhode Island, and the Secretary each approve such extension.

DUTIES OF THE SECRETARY

SEC. 8. (a) PURPOSE.—To carry out the purpose of this Act, the Secretary shall assist the Commission in preparing the Cultural Heritage and Land Management Plan. Following approval of the plan as provided under section 6 (a) and (b) the Secretary shall assist the Commission to design and fabricate interpretive materials based on the plan including—

(A) guide brochures for exploring the heritage story of the valley by automobile, train, bicycle, boat, or foot;

(B) visitor displays (including video presentations) at several locations well distributed along the Corridor, including both indoor and outdoor displays; and

(C) a mobile display depicting the heritage story to be used in the park, public buildings, libraries, and schools.

(b) TECHNICAL ASSISTANCE.—The Secretary shall, upon request of the Commission, provide technical assistance to the Commission in the preparation of the plan and for implementing the plan as set out in section 6(c).

DUTIES OF OTHER FEDERAL ENTITIES

SEC. 9. Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

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

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the Corridor.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There is authorized to be appropriated annually to the Commission \$250,000 for the next five fiscal years to carry out the purposes of this Act; except that the Federal contribution to the

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100 STAT. 3631

Commission shall not exceed 50 percent of the annual operating costs of the Commission.

Approved November 10, 1986.

LEGISLATIVE HISTORY—S. 1374:

SENATE REPORTS: No. 99-488 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 132 (1986):

Oct. 8, considered and passed Senate.

Oct. 15, considered and passed House, amended.

Oct. 17, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 22 (1986):

Nov. 10, Presidential statement.

104 STAT. 1017

PUBLIC LAW 101-441—OCT. 18, 1990

Public Law 101-441
101st Congress

An Act

Oct. 18, 1990
[S. 830]

To amend Public Law 99-647, establishing the Blackstone River Valley National Heritage Corridor Commission, to authorize the Commission to take immediate action in furtherance of its purposes and to increase the authorization of appropriations for the Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPLEMENTATION OF THE PLAN.

Section 8 of the Act entitled “An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island”, approved November 10, 1986 (Public Law 99-647, 16 U.S.C. 461 note) (hereinafter referred to as the “Act”), is amended by inserting the following at the end thereof:

Historic
preservation.

“(c)(1) In furtherance of the purposes of this Act, the Secretary is authorized to undertake a limited experimental program of financial assistance for the purpose of providing demonstration funds for projects within the corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public in a manner consistent with the purpose of this Act.

“(2) Applications for funds under this section shall be made to the Secretary through the Commission. Each application shall include the recommendation of the Commission and its findings as to how the project proposed to be funded will further the purposes of this Act.

“(3) The Secretary is authorized to provide funds for the following purposes—

“(A) preservation and restoration of properties on or eligible for inclusion on the National Register of Historic Places;

“(B) design and development of interpretive exhibits to encourage public understanding of the resources of the Blackstone Valley; and

“(C) cultural programs and environmental education programs related to environmental awareness or historic preservation.

“(4) Funds made available pursuant to this subsection shall not exceed 50 percent of the total costs of the project to be funded. In making such funds available, the Secretary shall give consideration to projects which provide a greater leverage of Federal funds. Any payment made shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States of compensation of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.”.

PUBLIC LAW 101-441—OCT. 18, 1990

104 STAT. 1018

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of the Act is amended by inserting “(a)” after “SEC. 10.”, striking “250,000 for the next five fiscal years” and inserting “350,000 for each year in which the Commission is in existence” and inserting at the end thereof the following:

16 USC 461 note.

“(b) DEMONSTRATION FUNDS.—There are authorized to be appropriated to carry out the provisions of section 8(c), \$1,000,000 annually for fiscal years 1991, 1992, and 1993, to remain available until expended.”.

Approved October 18, 1990.

LEGISLATIVE HISTORY—S. 830:

HOUSE REPORTS: No. 101-712 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 101-63 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD:

Vol. 135 (1989): July 14, considered and passed Senate.

Vol. 136 (1990): Sept. 17, considered and passed House, amended.

Oct. 3, Senate concurred in House amendment.

2. Coal Mining Heritage (Study)

102 STAT. 4624

PUBLIC LAW 100-699—NOV. 19, 1988

Public Law 100-699
100th Congress

An Act

Nov. 19, 1988
[H.R. 3680]

To revoke certain public land orders, transfer certain public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Public
Lands and
National Forests
Adjustments Act
of 1988.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Public Lands and National Forests Adjustments Act of 1988".

* * * * *

TITLE VI—COAL MINING HERITAGE

102 STAT. 4629
Conservation.
Historic
preservation.

SEC. 601. COAL MINING HERITAGE STUDY.

(a) STUDY.—The Secretary of the Interior, acting through the Director of the National Park Service, is authorized and directed to conduct a study to determine the feasibility of protecting and preserving certain significant cultural, historic, and natural resources associated with the coal mining heritage of southern West Virginia. The study shall include, but not be limited to, the identification of—

(1) Specific sites and points of interest associated with the coal mining heritage of West Virginia, the Appalachian Region and the Nation.

102 STAT. 4630

(2) The historic and cultural values of such sites and points of interest.

(3) The relationship between such sites and points of interest with the natural, scenic, recreational, cultural and historic resources in the region managed by State or Federal agencies, including State and national park system units, recreational lakes, State forest system units, and historic landmarks.

(4) A vehicular tour route along existing public roads linking such sites, points of interest and such other resources managed by State or Federal agencies.

West Virginia.

(b) CONSULTATION AND COORDINATION.—As part of such study, the Secretary shall consult with other interested Federal agencies, State and local government authorities, and nonprofit organizations.

(c) AREA TO BE STUDIED.—The study shall focus on the eleven county areas consisting of Cabell, Wayne, Mingo, Logan, McDowell, Wyoming, Raleigh, Mercer, Boone, Fayette and Summers Counties, West Virginia.

PUBLIC LAW 100-699—NOV. 19, 1988

102 STAT. 4630

(d) REPORT.—Within one year after the date of enactment of this Act, the Secretary shall make a report of his findings to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

Approved November 19, 1988.

LEGISLATIVE HISTORY—H.R. 3680:

HOUSE REPORTS: No. 100-717, Pt. 1 (Comm. on Interior and Insular Affairs)
and Pt. 2 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 21, considered and passed Senate.

3. Delaware and Lehigh Navigation Canal National Heritage Corridor

102 STAT. 4552

PUBLIC LAW 100-692—NOV. 18, 1988

Public Law 100-692
100th Congress

An Act

Nov. 18, 1988
[H.R. 3957]

To establish Delaware and Lehigh Navigation Canal National Heritage Corridor
in the Commonwealth of Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

Delaware and
Lehigh
Navigation
Canal National
Heritage
Corridor Act of
1988.
Conservation.
Cultural
programs.
Historic
preservation.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware and Lehigh Navigation
Canal National Heritage Corridor Act of 1988".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Delaware Canal, which opened for regular commercial navigation in 1834, provided an early and essential link in a 4,000 mile national transportation route and helped to transform Pennsylvania from an agrarian region to the center of an industrialized society.

(2) The Canal served as the primary means for transporting coal and other bulk goods from the "Anthracite Region" of Pennsylvania to New York, New Jersey, Philadelphia, and other industrial centers as far away as Europe.

(3) As part of an elaborate national transportation system, the Delaware Canal and Lehigh Navigation Canal played a critical role in supplying our developing Nation with the coal that fueled its factories and heated its homes.

(4) The route of the Delaware Canal parallels stagecoach routes and the trails of the Lenni-Lenape Indians, and passes numerous 18th, 19th, and 20th century sites of national and State historical significance.

(5) In 1978, the Delaware Canal was declared a National Historic Landmark, and portions of the Lehigh Navigation Canal were placed on the National Register of Historic Places and designated a National Recreation Trail.

16 USC 461 note.

SEC. 3. ESTABLISHMENT OF NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the Commonwealth of Pennsylvania the Delaware and Lehigh Navigation Canal National Heritage Corridor (hereinafter in this Act referred to as the "Corridor").

(b) PURPOSE.—It is the purpose of this Act to provide a management framework to assist the Commonwealth and its political subdivisions in developing and implementing integrated cultural, historical, and natural resource policies and programs that will preserve and interpret for the educational and inspirational benefit of present and future generations the unique and significant contributions to our national heritage of certain historic and cultural lands, waterways, and structures within and surrounding the Delaware and Lehigh Navigation Canal in the Commonwealth.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on the map entitled “Delaware and Lehigh Navigation Canal National Heritage Corridor” numbered DELE-90,000 and dated August, 1988. The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, District of Columbia, and the Pennsylvania Department of Environmental Resources. As soon as practical after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description and map of the boundaries established under this subsection.

Public information.

Federal Register, publication.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. DELAWARE AND LEHIGH NAVIGATION CANAL NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission (hereinafter in this Act referred to as the “Commission”). The Commission shall assist appropriate Federal, State, and local authorities in the development and implementation of an integrated resource management plan for the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 21 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The Director of the National Park Service ex officio (or his delegate).

(2) 4 individuals appointed by the Secretary, after receiving recommendations from the Governor who shall represent the Pennsylvania Department of Environmental Resources, the Pennsylvania Historical and Museum Commission, the Pennsylvania Department of Commerce/Economic Development Partnership, and the Pennsylvania Department of Community Affairs.

(3) 8 representatives of local governments from the Commonwealth appointed by the Secretary, after receiving recommendations from the Governor, of whom 4 shall be representatives from the Lehigh Navigation Canal region and 4 shall be representatives from the Delaware Canal region.

(4) 8 individuals from the general public who are citizens of the Commonwealth appointed by the Secretary, after receiving recommendations from the Governor, who shall have knowledge and experience in appropriate fields of interest, relating to the preservation, use, and interpretation of the Corridor of whom 4 shall be residents of the Lehigh Navigation Canal region and 4 shall be residents of the Delaware Canal region. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) TERMS.—Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission, but while away

from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are avowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The chairperson of the Commission shall be elected by the members of the Commission. The term of the chairperson shall be 2 years.

(f) QUORUM.—(1) 11 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 6 members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall hold in first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 6 of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

SEC. 6. STAFF OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth and any political subdivision thereof, and may reimburse the Commonwealth or such political subdivision for those services.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission,

on a reimbursable basis, such administrative support services as the Commission may request.

(d) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) **USE OF FUNDS TO OBTAIN MONEY.**—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) **GIFTS.**—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(g) **ACQUISITION OF REAL PROPERTY.**—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) **COOPERATIVE AGREEMENTS.**—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the Commonwealth, with any political subdivision of the Commonwealth, or with any person. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the Commonwealth, such political subdivision, or such person which may affect the implementation of the Plan.

(i) **ADVISORY GROUPS.**—The Commission may establish such advisory groups as it deems necessary to ensure open communication with, and assistance from, the Commonwealth, political subdivisions of the Commonwealth, and interested persons.

SEC. 8. DUTIES OF THE COMMISSION.

(a) **PREPARATION OF PLAN.**—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary of the Interior a Cultural Heritage and Corridor Management Plan. The Plan shall be based on existing Federal, Commonwealth, and local plans, but shall coordinate those plans and present a unified historic preservation and interpretation plan for the Corridor. The Plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural significance;

(2) develop an historic interpretation plan to interpret the history of the Canal and its surrounding area;

(3) recommend policies for resource management which consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements, that will protect the Corridor's historical, cultural, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(4) detail the ways in which local, Commonwealth, and Federal programs may best be coordinated to promote the purposes of this Act; and

(5) contain a program for implementation of the Plan by the Commonwealth and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—After review and approval of the Plan by the Secretary of the Interior as provided in section 10(a), the Commission shall implement the Plan by taking appropriate steps to preserve and interpret the historic resources of the Canal and its surrounding area, and to support public and private efforts in economic revitalization consistent with the goals of the Plan. These steps may include, but need not be limited to—

(1) assisting the Commonwealth in preserving the Canal;

(2) assisting the Commonwealth and local governments in designing, establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting in increasing public awareness of and appreciation for the historical, architectural, and geological resources and sites in the Corridor;

(4) assisting the Commonwealth, local government, and nonprofit organizations in the restoration of any historic building in the Corridor;

(5) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the Plan;

(6) encouraging local government to adopt land use policies consistent with the management of the Corridor and the goals of the Plan, and to take actions to implement those policies; and

(7) ensuring that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 9. TERMINATION OF COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of the enactment of this Act.

(b) EXTENSIONS.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the United States

PUBLIC LAW 100-692—NOV. 18, 1988

102 STAT. 4557

House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate; and
(3) the Secretary approves such extension.

SEC. 10. DUTIES OF THE SECRETARY.

(a) **APPROVAL OF PLAN.**—The Secretary of the Interior shall approve or disapprove a Plan submitted to him under this Act by the Commission not later than 60 days after he receives such Plan. The Secretary shall approve a Plan submitted to him if—

(1) he finds that the Plan, if implemented, would adequately protect the significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) he determines that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the Plan; and

(3) he receives adequate assurances from appropriate Commonwealth officials that the recommended implementation program identified in the Plan will be initiated within a reasonable time after the date of approval of the Plan, and that such implementation program will ensure effective implementation of the State and local aspects of the Plan.

(b) **DISAPPROVAL OF PLAN.**—If the Secretary disapproves a Plan submitted to him by the Commission, he shall advise the Commission in writing of the reasons therefore and shall make recommendations for revisions in the Plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(c) **INTERPRETIVE MATERIALS.**—Following approval of the Plan as provided under subsection (a), the Secretary shall assist the Commission in designing and producing interpretive materials based on the Plan. Such materials may include—

(1) guide brochures for exploring the Corridor by automobile, train, bicycle, boat, or foot;

(2) indoor and outdoor visitor displays, which may include video presentations, at several locations along the Corridor; and

(3) a mobile display describing the history of the Corridor, to be used in the Corridor, public buildings, libraries, and schools.

(d) **TECHNICAL ASSISTANCE.**—The Secretary of the Interior shall, upon the request of the Commission, provide technical assistance to the Commission in the preparation and implementation of the Plan.

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the flow of the Canal or the natural resources of the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

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

(3) to the maximum extent practicable, conduct or support such activities in a manner consistent with the Plan and the provisions of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There is authorized to be appropriated annually to the Commission to carry out its duties under this Act \$350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) SECRETARY.—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under this Act.

SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) the term “Canal” means the Delaware and Lehigh Navigation Canal;

(2) the term “Commission” means the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission established under section 5(a);

(3) the term “Commonwealth” means the Commonwealth of Pennsylvania;

(4) the term “Corridor” means the Delaware and Lehigh Navigation Canal National Heritage Corridor established under section 3(a);

(5) the term “Plan” means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8(a); and

(6) the term “Secretary” means the Secretary of the Interior.

Approved November 18, 1988.

LEGISLATIVE HISTORY—H.R. 3957:

HOUSE REPORTS: No 100-906 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 14, considered and passed Senate, amended.

Oct. 19, House concurred in certain Senate amendments and disagreed to another.

Oct. 20, Senate receded from its amendment.

4. Illinois and Michigan Canal National Heritage Corridor

PUBLIC LAW 99-591—OCT. 30, 1986

100 STAT. 3341

Public Law 99-591
99th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1987, and for other purposes.

Oct. 30, 1986
[H.J. Res. 738]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

AN ACT

100 STAT.
3341-243

Making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1987, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

100 STAT.
3341-260

* * * * *

SEC. 119. The Secretary of the Interior shall designate the visitor center to be associated with the headquarters of the Illinois and Michigan Canal National Heritage Corridor as the "George M. O'Brien Visitor Center" in recognition of the leadership and contributions of Representative George M. O'Brien with respect to the creation and establishment of this national heritage corridor.

100 STAT.
3341-266

100 STAT.
3341-267

* * * * *

Approved October 30, 1986.

100 STAT.
3341-388

* * * * *

LEGISLATIVE HISTORY—H.J. Res. 738 (H.R. 5052) (H.R. 5161) (H.R. 5162) (H.R. 5175) (H.R. 5177) (H.R. 5203) (H.R. 5205) (H.R. 5233) (H.R. 5234) (H.R. 5294) (H.R. 5313) (H.R. 5339) (H.R. 5438):

100 STAT.
3341-389

HOUSE REPORTS: No. 99-1005 (Comm. of Conference).
SENATE REPORTS: No. 99-500 (Comm. on Appropriations).

5. Mississippi River National Heritage Corridor (Study)

PUBLIC LAW 101-398—SEPT. 28, 1990

104 STAT. 855

Public Law 101-398
101st Congress**An Act**To provide for the establishment of the Mississippi River Corridor Study
Commission, and for other purposes.Sept. 28, 1990
[H.R. 2174]*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mississippi River Corridor Study
Commission Act of 1989”.Mississippi
River Corridor
Study
Commission Act
of 1989.

SEC. 2. FINDINGS.

The Congress finds the following—

- (1) The Mississippi River flows through 10 States from its headwaters in the State of Minnesota to the Gulf of Mexico and comprises a ribbon of commerce, history, archeology, wildlife habitat, urban and rural communities, and open space containing historical, recreational, natural, scenic, cultural, economic, and scientific resources of major significance to the Nation.
- (2) The national interest would be served by—
 - (A) preserving, protecting, and enhancing such resources for the benefit of the people of the United States; and
 - (B) improving the coordination between all levels of government in such corridor.
- (3) The preservation, protection, and enhancement of such resources has not been fully realized despite efforts by the States through which the Mississippi River flows, political subdivisions of such States, and volunteer associations and private businesses in such States.
- (4) Most existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for resource, management and economic development in a manner that is consistent with the protection and public use of the Corridor’s resources.
- (5) The national Government should assist in coordinating preservation and interpretation activities of public and private entities with respect to the significant resources associated with the Mississippi River.
- (6) The establishment of a commission as provided for by this Act will—
 - (A) focus attention on the unique and nationally significant resources of this region; and
 - (B) provide a means and a stimulus for coordinating the preservation, protection, enhancement, enjoyment, and utilization of the resources of this region.
- (7) The establishment of such commission would provide a national entity to gather, assess, and disseminate information on the recreational, cultural, historic, natural, scenic, and economic opportunities in this region.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Mississippi River Corridor Study Commission.

(2) The terms "Mississippi River Corridor" and "Corridor" mean the area included by the Commission in a proposed Mississippi River National Heritage Corridor.

(3) The term "Mississippi River State" means any of the States of Arkansas, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, or Wisconsin.

SEC. 4. ESTABLISHMENT OF COMMISSION.

There is established a Commission to be known as the Mississippi River Corridor Study Commission.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDY.—The Commission shall study and make recommendations regarding—

(1) the feasibility of creating a Mississippi River National Heritage Corridor for the Mississippi River Corridor; and

(2) the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor consistent with the purposes of this Act.

(b) INFORMATION COLLECTION; CONSULTATION.—As part of the study conducted under subsection (a), the Commission shall—

(1) assess the preservation, protection, enhancement, enjoyment, and utilization potential of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(2) collect information dealing with ongoing activities, management plans, and opportunities regarding historic, economic, natural, recreational, scenic, cultural, and scientific resources in the Corridor;

(3) make such information available to Federal agencies, States and political subdivisions thereof, tribal governments, educational institutions, volunteer associations, and private businesses to assist such entities in undertaking activities to preserve, protect, enhance, or utilize the historic, economic, natural, recreational, scenic, cultural, or scientific resources of the Corridor;

(4)(A) consult with the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission; and

(B) cooperate with such commissions and associations in the performance of their duties;

(5) provide a forum for the consideration of resource issues relating to the Corridor;

(6) seek and encourage the participation of affected State and local governments, interested citizens, public officials, groups, agencies, educational institutions, and others in the preservation, protection, enhancement, enjoyment, and utilization of the Corridor's resources;

(7) recommend methods and means for educating the general population about the national importance and value of the

Mississippi River as a natural resource and national treasure; and

(8) make the Commission accessible to such groups, agencies, and citizens by holding at least one well publicized public hearing in every State within the Corridor.

(c) REPORT.—The Commission shall prepare a report—

(1) specifying the results of the study conducted under subsection (a); and

(2) containing—

(A) a description of the Mississippi River Corridor and the proposed boundaries of a Mississippi River National Heritage Corridor (if so recommended) showing the primary corridor and such secondary zones as may be appropriate;

(B) an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(C) specific preservation and interpretation goals and a priority timetable for their achievement;

(D) proposed alternative management strategies whereby the funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

(E) proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act, in whole or in part;

(F) proposals to improve guidance and assistance provided to Mississippi River States and political subdivisions thereof and other entities regarding their compliance with applicable provisions of the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and related laws; and

(G) such recommendations as the Commission may deem appropriate with respect to subparagraphs (A) through (F) and with respect to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

SEC. 6. ORGANIZATION OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members as follows:

(1) The Director of the National Park Service (or designee).

(2) The Secretary of Transportation (or designee).

(3) The Secretary of Commerce (or designee).

(4) The Director of the United States Fish and Wildlife Service (or designee).

(5) The Chief of Engineers of the Army Corps of Engineers (or designee).

(6) One member from each Mississippi River State appointed by the Governor of such State from among the members of the Mississippi River Parkway Commission from such State.

(b) FIRST APPOINTMENTS.—Members of the Commission required by subsection (a) to be appointed shall be first appointed not later than 45 days after the effective date of this Act.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment is made.

(d) TERMS.—Members of the Commission shall be appointed for the life of the Commission.

- (e) PAY.—Members of the Commission shall serve without pay.
- (f) REIMBURSEMENT OF EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.
- (g) QUORUM.—(1) Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.
- (2) A member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.
- (h) CHAIRPERSON.—As the first item of business at the first meeting of the Commission, the members of the Commission shall elect a chairperson of the Commission from among the members appointed under subsection (a)(6).
- (i) MEETINGS.—(1) The Commission shall meet at the call of the chairperson or a majority of the members.
- (2) Not later than 30 days after the members of the Commission are first appointed, the Commission shall hold its first meeting.
- (3) The Director of the National Park Service shall select the date of the first meeting and shall serve as chairperson until the election of the chairperson under subsection (h).

SEC. 7. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS; PERSONNEL OF FEDERAL AGENCIES.

- (a) STAFF.—The Commission may appoint and fix the pay of such staff as the Commission considers appropriate subject to—
- (1) the provisions of title 5, United States Code, governing appointments in the competitive service; and
- (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.
- (b) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.
- (c) PERSONNEL OF STATES AND POLITICAL SUBDIVISIONS.—The Commission may—
- (1) accept the services of personnel detailed from a Mississippi River State or a political subdivision thereof; and
- (2) reimburse such State or such subdivision for such services.
- (d) PERSONNEL OF FEDERAL AGENCIES.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 8. POWERS OF THE COMMISSION.

- (a) HEARINGS AND SESSIONS.—For the purpose of carrying out this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

PUBLIC LAW 101-398—SEPT. 28, 1990

104 STAT. 859

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 9. SUBMISSION OF REPORTS.

(a) **INTERIM REPORT.**—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State a report describing the progress of the Commission in carrying out the duties of the Commission under section 5.

(b) **FINAL REPORT.**—Not later than 3 years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State the report required by section 5(c).

SEC. 10. TERMINATION OF COMMISSION.

Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall cease to exist 90 days after submitting the report required by section 5(c) and submitted under section 9(b).

SEC. 11. CONSENT TO NEGOTIATE PROPOSED COMPACTS.

The Congress hereby consents to the negotiation by any State referred to in section 3 with one or more of any other such State of proposed interstate agreements or compacts among such States in furtherance of the purposes of this Act or the study referred to in section 5 or any material component thereof.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission to carry out this Act \$500,000 for each fiscal year in which the Commission is in existence.

Approved September 28, 1990.

LEGISLATIVE HISTORY—H.R. 2174:

HOUSE REPORTS: No. 101-525 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 101-423 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 136 (1990):

June 12, considered and passed House.

Sept. 11, considered and passed Senate.

6. Southwestern Pennsylvania Heritage Preservation Commission

102 STAT. 4618

PUBLIC LAW 100-698—NOV. 19, 1988

Public Law 100-698
100th Congress

An Act

Nov. 19, 1988
[H.R. 3313]

To establish in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

16 USC 461 note.

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the iron and steelmaking, coal, and transportation industries and the labor of their workers contributed significantly to America's movement westward, allowed for the growth of the Nation's cities, and helped fuel and move its industrial growth and development and establish its standing among nations of the world;

(2) there are only a few recognized historic sites that are devoted to portraying the development and growth of heavy industry and the industrial labor movement in America; and

(3) the 9-county region in southwestern Pennsylvania known as the Allegheny Highlands contain significant examples of iron and steel, coal, and transportation industries, and is a suitable region in which the story of American industrial heritage can be appropriately interpreted to present and future generations.

(b) PURPOSE.—In furtherance of the findings set forth in subsection (a) of this section, it is the purpose of this Act to establish, through a commission representing all concerned levels of government, the means by which the cultural heritage of the 9-county region in southwestern Pennsylvania associated with the three basic industries of iron and steel, coal, and transportation may be recognized, preserved, promoted, interpreted, and made available for the benefit of the public.

16 USC 461 note.

TITLE I—SOUTHWESTERN PENNSYLVANIA HERITAGE PRESERVATION COMMISSION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—To carry out the purpose of this title and to implement, as appropriate, the document which is entitled “Action Plan—America's Industrial Heritage Project” and which is dated August 1987, there is hereby established in the Department of the Interior the Southwestern Pennsylvania Heritage Preservation Commission (hereinafter referred to as the “Commission”). The Commission shall exercise the responsibilities and authorities herein conferred on the Commission with respect to that region in southwestern Pennsylvania comprising the counties of Bedford, Blair, Cambria, Fayette, Fulton, Huntingdon, Indiana, Somerset,

and Westmoreland. The Commission shall consist of 21 members, appointed by the Secretary of the Interior (hereinafter referred to as the "Secretary") as follows:

(1) 2 members appointed from recommendations submitted by the Governor of Pennsylvania of which one shall represent the interests of the Pennsylvania Historical and Museum Commission; and the other shall represent the Pennsylvania Department of Community Affairs;

(2) 9 members appointed from recommendations submitted by the county commissioners of the Pennsylvania counties of Bedford, Blair, Cambria, Fayette, Fulton, Huntingdon, Indiana, Somerset, and Westmoreland, of which one member shall be appointed from the recommendations of each such county from groups and individuals representing historic preservation, tourism promotion, business and industry and industrial and labor history;

(3) 4 members appointed from recommendations from the Southern Alleghenies Planning and Development Commission;

(4) 4 members appointed from recommendations from Laurel Highlands, Inc.;

(5) 2 members appointed by the Secretary from recommendations by the Director of the National Park Service who shall have knowledge and experience in the field of historic preservation; and

(6) the Director of the National Park Service, ex officio, or his delegate.

(b) APPOINTMENT.—All members of the Commission shall be appointed for terms of 3 years, except that the terms of the 9 members appointed from recommendations submitted by each county pursuant to subsection (a)(2) shall be for 2 years.

(c) CHAIRMAN.—The Commission shall elect a chairman from among its members. The term of the chairman shall be 2 years.

(d) TERMS.—Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor is appointed. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(e) QUORUM.—A simple majority of Commission members shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at least quarterly or at the call of the chairman or a majority of its members.

(g) COMPENSATION.—Members of the Commission shall serve without compensation as such. Members shall be entitled to travel expenses under section 5703, title 5, United States Code, when engaged in Commission business, including per diem in lieu of subsistence in the same manner as persons employed intermittently.

SEC. 102. STAFF OF THE COMMISSION.

(a) STAFF.—(1) The Commission shall have the power to appoint and fix the compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the services of personnel detailed from the Commonwealth of Pennsylvania (and any political subdivision thereof) and may reimburse the commonwealth or political subdivision for those services.

(d) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide such administrative support services as the Commission may request, on a reimbursable basis.

SEC. 103. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable.

(b) BYLAWS.—The Commission may make such bylaws, rules and regulations, consistent with this Act, as it considers necessary to carry out its functions under this title.

(c) DELEGATION.—When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(d) TECHNICAL ADVISORY GROUPS.—The Commission may establish and appoint one or more technical advisory groups to provide technical advice in financing, historic preservation, recreation, tourism, and intergovernmental coordination.

(e) DONATIONS.—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purpose of carrying out its duties.

(f) FUNDS FROM OTHER SOURCES.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(g) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(h) OBTAINING PROPERTY.—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the Corridor—

(A) by gift or device; or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that

PUBLIC LAW 100-698—NOV. 19, 1988

102 STAT. 4621

such money would be used to purchase real property, or interests in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

SEC. 104. FUNCTIONS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) make loans and grants, from funds appropriated for that purpose or from funds donated or otherwise made available to the Commission, for the purpose of conserving and protecting sites, buildings, and objects which are related to the industrial development of the area and which are included or eligible for inclusion on the National Register of Historic Places;

(2) coordinate activities of Federal, State, and local governments and private businesses and organizations in order to further historic preservation and compatible economic revitalization;

(3) develop guidelines and standards for projects, consistent with standards established by the National Park Service for the preservation of historic properties, including interpretive methods, that will further historic preservation in the region; and

(4) provide advice and assistance in preparation of loan or grant applications to the Commission and applications for loans or grants from other Federal or non-Federal sources in furtherance of the purposes of this title.

Any loan made under this subsection shall be for a term expiring before the date 10 years after the enactment of this Act and shall be subject to such other terms and conditions, including interest, as may be established by the Commission with the approval of the Secretary.

(b) ANNUAL REPORTS.—The Commission shall submit an annual report to the Secretary setting forth its expenses and income and the entities to which any loans and grants were made during the year for which the report is made. The Secretary shall submit an annual report to the Congress describing the loans, grants, and technical assistance provided under this Act. Such report shall specify the amount, recipient, and purpose of any loan, grant, or technical assistance so provided and shall include an analysis of the adequacy of actions taken during the previous year to preserve, protect, and interpret the significant sites, buildings, and objects within the area; as well as the anticipated funds and personnel to be made available by the Secretary during the next fiscal year to implement the provisions of this Act.

(c) COST ESTIMATES.—Prior to making any grant or loan the Commission shall require detailed cost estimates to be prepared for the project to be funded. Within one year from the date of enactment, the Commission shall submit to the appropriate committees of the Congress detailed cost estimates for the projects identified in the action plan referred to in section 101 of this title.

(d) STUDY REPORT.—The Commission, in consultation with the Secretary, the Pittsburgh Area Steel Industry Heritage Task Force,

Loans.
Grants.
Conservation.

and other interested parties which represent the greater Allegheny and Washington Counties/Mon-Valley area shall within 2 years of enactment of this Act, submit a report concerning the cultural and historical resource values of the greater Allegheny and Washington Counties/Mon-Valley area to the Secretary. Such report shall include an analysis of the methods and means of inventorying, preserving and interpreting the cultural and historical resources of the area, along with recommendations concerning the coordination of activities in the 11 counties represented by the Commission and the Pittsburgh Area Steel Industry Heritage Task Force and other interested parties. The Secretary shall review the report and submit it along with any comments or recommendations that the Secretary may wish to make to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate within 180 days after receipt of such report from the Commission.

(e) EXPIRATION.—The Commission established pursuant to this title shall cease to exist 10 years from the date of enactment of this Act. Any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the United States, to a State or local government agency, to a private nonprofit organization exempt from income taxes under section 501(c)(3) of the Internal Revenue Code of 1986, or to any combination of the foregoing.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$3,000,000 to the Commission to carry out the purposes of this title. Funds may be made available pursuant to this section only to the extent they are matched by equivalent funds from non-Federal sources.

16 USC 1244
note.

TITLE II—SOUTHWESTERN PENNSYLVANIA INDUSTRIAL HERITAGE ROUTE

Federal
Register,
publication.

SEC. 201. DESIGNATION OF ROUTE.

(a) DESIGNATION.—In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in southwestern Pennsylvania which are accessible by public road, the Secretary of Interior (hereinafter referred to as the “Secretary”), with the concurrence of the agency having jurisdiction over such roads, shall designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking historic, cultural, natural, scenic, and recreational sites in southwestern Pennsylvania. Such route shall be known as the Southwestern Pennsylvania Industrial Heritage Route (hereinafter referred to as the “route”), and shall be marked with an appropriate marker to guide members of the visiting public. With the concurrence of the State or local entity having jurisdiction over such roads so designated, the Secretary may erect thereon signs and other informational devices displaying the Southwestern Pennsylvania Industrial Heritage Route marker. The Secretary is authorized to accept the donation of signs and other informational devices for placement at appropriate locations along the route.

Gifts and
property.

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102 STAT. 4623

(b) INITIAL ROUTE.—The route as initially designated shall include public roads linking Allegheny Portage Railroad National Historic Site, Johnstown Flood National Memorial, Historic Saltsburg, Eliza and Mt. Etna Furnaces, the Charles Schwab Estate, Friendship Hill National Historic Site, Fort Necessity National Battlefield, Altoona Railroad Shops, Altoona Railroader's Memorial Museum, Cambria Iron Works, Johnstown Inclined Plane, Johnstown Flood Museum, Conemaugh Gap, East Broadtop Railroad National Historic Landmark, Gallitzin Tunnels, Horseshoe Curve National Historic Landmark, Fort Ligonier, Bushy Run Battlefield, Seldom Seen Valley Mine, and Somerset Historical Center.

(c) ADDITIONAL SEGMENTS.—The Secretary may, in the manner set forth in section 201 of this title, designate additional segments of the route from time to time as appropriate to link the sites referred to in subsection (b) with other historic, cultural, natural, scenic, and recreational sites when such sites are designated and protected by Federal, State and local governments, Indian tribes, or nonprofit entities.

SEC. 202. TECHNICAL ASSISTANCE.

With respect to sites linked by segments of the route which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the historic, cultural, natural, scenic, and recreational sites along the route.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$150,000 to the Secretary to carry out the purposes of this title. No funds made available under this title shall be used for the operation, maintenance, or repair of any road or related structure.

Approved November 19, 1988.

LEGISLATIVE HISTORY—H.R. 3313:

HOUSE REPORTS: No. 100-789 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 100-533 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 134 (1988):

July 26, considered and passed House.

Oct. 21, considered and passed Senate, amended. House concurred in Senate amendments.

