

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2095

To provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 12, 1993

Mr. HAMILTON (for himself and Mr. BUNNING) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To provide for the establishment of the Ohio River Corridor Study Commission, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ohio River Corridor  
5 Study Commission Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds the following:

8 (1) The amenities and resources of the Ohio  
9 River, which flows through 6 States from its head-  
10 waters in the Commonwealth of Pennsylvania to its

1 confluence with the Mississippi River and comprises  
2 a chain of commercial, industrial, historical, archae-  
3 ological, natural, recreational, scenic, wildlife, urban,  
4 rural, cultural, and economic areas, are of major  
5 significance and importance to the Nation.

6 (2) The national interest is served by—

7 (A) preserving, protecting, and improving  
8 such amenities and resources for the benefit of  
9 the people of the United States; and

10 (B) improving the coordination between all  
11 levels of government in the Ohio River Corridor.

12 (3) The preservation, protection, and improve-  
13 ment of such amenities and resources are failing to  
14 be fully realized despite efforts by the States  
15 through which the Ohio flows, political subdivisions  
16 of such States, and volunteer associations and pri-  
17 vate businesses in such States.

18 (4) Existing Federal agency programs are offer-  
19 ing insufficient coordination to State and local plan-  
20 ning and regulatory authorities to provide for re-  
21 source management and economic development in a  
22 manner that is consistent with the protection and  
23 public use of the Corridor's amenities and resources.

24 (5) The national Government should assist in  
25 the coordination, preservation, and interpretation ac-

1       activities of public and private entities with respect to  
2       the significant amenities and resources associated  
3       with the Ohio River.

4       (b) PURPOSES.—The purposes of this Act are to—

5           (1) focus attention on the unique and nationally  
6       significant resources of the Ohio River Corridor;

7           (2) provide a means and a stimulus for coordi-  
8       nating the preservation, protection, improvement,  
9       enjoyment, and utilization of the resources of the  
10      Ohio River Corridor; and

11          (3) establish a national entity to gather, assess,  
12      and disseminate information on the historic, eco-  
13      nomic, natural, recreational, scenic, and cultural  
14      opportunities in the Ohio River Corridor.

15   **SEC. 3. DEFINITIONS.**

16      For purposes of this Act:

17          (1) The term “Commission” means the Ohio  
18      River Corridor Study Commission established by sec-  
19      tion 4.

20          (2) The terms “Ohio River Corridor” and “Cor-  
21      ridor” mean the Ohio River from Pittsburgh, Penn-  
22      sylvania, to Cairo, Illinois, and an area extending  
23      from the river’s edge to the landward boundary of  
24      each county along its designated length.

1           (3) The term “Ohio River State” means any of  
2           the States of Illinois, Kentucky, Indiana, Ohio, West  
3           Virginia, and Pennsylvania.

4 **SEC. 4. ESTABLISHMENT OF COMMISSION.**

5           There is established a commission to be known as the  
6 Ohio River Corridor Study Commission.

7 **SEC. 5. DUTIES OF THE COMMISSION.**

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

10           (1) the feasibility of establishing an Ohio River  
11 National Heritage Corridor for the Ohio River Cor-  
12 ridor; and

13           (2) the preservation, protection, improvement,  
14 enjoyment, and utilization of the historic, economic,  
15 natural, recreational, scenic, and cultural resources  
16 of the Corridor consistent with the purposes of this  
17 Act.

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

21           (1) assess the preservation, protection, improve-  
22 ment, enjoyment, and utilization potential of the his-  
23 toric, economic, natural, recreational, scenic, and  
24 cultural resources of the Corridor;

1           (2) collect information dealing with ongoing ac-  
2           tivities, management plans, and opportunities re-  
3           garding historic, economic, natural, recreational, sce-  
4           nic, and cultural resources in the Corridor;

5           (3) make such information available to Federal  
6           agencies, States, and political subdivisions thereof,  
7           tribal governments, educational institutions, volun-  
8           teer associations, and private businesses to assist  
9           such entities in undertaking activities to preserve,  
10          protect, improve, or utilize the historic, economic,  
11          natural, recreational, scenic, or cultural resources of  
12          the Corridor;

13          (4) consult with the Ohio River Valley Water  
14          Sanitation Commission and the Ohio River Basin  
15          Commission, and cooperate with the commissions  
16          and such associations in the performance of its  
17          duties;

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

20          (6) seek and encourage the participation of af-  
21          fected State and local governments, interested citi-  
22          zens, public officials, groups, agencies, educational  
23          institutions, and others in the preservation, protec-  
24          tion, improvement, enjoyment, and utilization of the  
25          Corridor's resources;

1           (7) recommend methods and means for educat-  
2           ing the general population about the national impor-  
3           tance and value of the Ohio River as a natural  
4           resource and national treasure; and

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

9           (c) REPORT.—The Commission shall prepare a re-  
10          port—

11           (1) specifying the results of the study con-  
12          ducted under subsection (a); and

13           (2) containing—

14           (A) a description of the Ohio River Cor-  
15          ridor and the proposed boundaries of an Ohio  
16          River National Heritage Corridor (if so rec-  
17          ommended) showing the corridor and such  
18          zones as may be appropriate;

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

22           (C) specific preservation and interpretation  
23          goals;

24           (D) proposed management strategies  
25          whereby the funds, data, personnel, and au-

1           thorities of public and private entities may be  
2           combined and coordinated in furtherance of the  
3           purposes of this Act; and

4                   (E) such recommendations as the Commis-  
5           sion may deem appropriate with respect to sub-  
6           paragraphs (A) through (F) and with respect to  
7           public access to and interpretation of the natu-  
8           ral and cultural resources of the river and relat-  
9           ed outdoor recreation opportunities.

10 **SEC. 6. ORGANIZATION OF THE COMMISSION.**

11           (a) NUMBER AND APPOINTMENT.—The Commission  
12 shall be composed of 11 members as follows:

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

15                   (2) The Secretary of Transportation (or des-  
16           ignee).

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

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

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

22                   (6) One member from each Ohio River State  
23           appointed by the Governor of such State.

24           (b) FIRST APPOINTMENTS.—Members of the Com-  
25 mission required by subsection (a) to be appointed shall

1 be first appointed not later than 45 days after the date  
2 of enactment of this Act.

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

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

8 (e) PAY.—Members of the Commission shall serve  
9 without pay.

10 (f) REIMBURSEMENT OF EXPENSES.—While away  
11 from their homes or regular places of business in the per-  
12 formance of services for the Commission, members of the  
13 Commission shall be allowed travel expenses, including a  
14 per diem allowance in lieu of subsistence, in the same  
15 manner as persons employed intermittently in Government  
16 service are allowed travel expenses under section 5703 of  
17 title 5, United States Code.

18 (g) QUORUM.—(1) Seven members of the Commis-  
19 sion shall constitute a quorum, but a lesser number of  
20 members may hold hearings.

21 (2) A member of the Commission may vote by means  
22 of a signed proxy exercised by another member of the  
23 Commission, but any member so voting shall not be con-  
24 sidered present for purposes of establishing a quorum.

1       (h) CHAIRPERSON.—As the first item of business at  
2 the first meeting of the Commission, the members of the  
3 Commission shall elect a chairperson of the Commission  
4 from among the members appointed under subsection  
5 (a)(6).

6       (i) MEETINGS.—(1) The Commission shall meet at  
7 the call of the chairperson or a majority of the members.

8       (2) Not later than 30 days after the members of the  
9 Commission are first appointed, the Commission shall hold  
10 its first meeting.

11       (3) The Director of the National Park Service (or  
12 designee) shall select the date of the first meeting and  
13 shall serve as chairperson until the election of the chair-  
14 person under subsection (h).

15       (j) TECHNICAL COMMITTEE.—With the advice and  
16 consent of the Commission members, the chairperson may  
17 appoint a technical committee with representation from  
18 the various interest groups, professional agencies, or advo-  
19 cacy groups within the Ohio River States with each State  
20 having at least one member.

21       (k) WAIVER.—The provisions of section 14(b) of the  
22 Federal Advisory Committee Act (5 U.S.C. App.) are here-  
23 by waived with respect to the Commission.

1 **SEC. 7. STAFF OF COMMISSION; EXPERTS AND CONSULT-**  
2 **ANTS; PERSONNEL OF FEDERAL AGENCIES.**

3 (a) LEAD AGENCY.—The National Park Service  
4 shall, if personnel are available, staff and advise the Com-  
5 mission.

6 (b) STAFF.—The Commission, if National Park Serv-  
7 ice personnel are not available, with advice from the Direc-  
8 tor of the National Park Service (or designee), may ap-  
9 point and fix the pay of such staff as the Commission con-  
10 siders appropriate, subject to—

11 (1) the provisions of title 5, United States  
12 Code, governing appointments in the competitive  
13 service; and

14 (2) the provisions of chapter 51 and subchapter  
15 III of chapter 53 of such title relating to classifica-  
16 tion and General Schedule pay rates.

17 (c) EXPERTS AND CONSULTANTS.—The Commission,  
18 with advice from the Director of the National Park Service  
19 (or designee), may procure temporary and intermittent  
20 services under section 3109(b) of title 5, United States  
21 Code.

22 (d) PERSONNEL OF STATES AND POLITICAL SUB-  
23 DIVISIONS.—The Commission may—

24 (1) accept the services of personnel detailed  
25 from an Ohio River State or a political subdivision  
26 thereof; and

1           (2) reimburse such State or such subdivision  
2           for such services.

3           (e) PERSONNEL OF FEDERAL AGENCIES.—On an as  
4           needed basis, at the request of the Commission, with the  
5           advice of the Director of the National Park Service (or  
6           designee), the head of any Federal agency may detail, on  
7           a reimbursable basis, any of the personnel of such agency  
8           to the Commission to assist the Commission in carrying  
9           out its duties under this Act.

10   **SEC. 8. POWERS OF THE COMMISSION.**

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

16           (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
17           ber or agent of the Commission may, if so authorized by  
18           the Commission, take any action which the Commission  
19           is authorized to take by this section.

20           (c) MAILS.—The Commission may use the United  
21           States mails in the same manner and under the same con-  
22           ditions as other departments and agencies of the United  
23           States.

24           (d) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-  
25           ministrators of General Service shall provide to the Com-

1 mission on a reimbursable basis such administrative sup-  
2 port services as the Commission may request.

3 **SEC. 9. SUBMISSION OF REPORTS.**

4 (a) INTERIM REPORT.—Not later than 2 years after  
5 the date of the first meeting of the Commission, the Com-  
6 mission shall submit to the President, the Speaker of the  
7 House of Representatives, the President of the Senate,  
8 and the Governor of each Ohio River State a report de-  
9 scribing the progress of the Commission in carrying out  
10 the duties of the Commission under section 5.

11 (b) FINAL REPORT.—Not later than 3 years after the  
12 date of the first meeting of the Commission, the Commis-  
13 sion shall submit to the President, the Speaker of the  
14 House of Representatives, the President of the Senate,  
15 and the Governor of each Ohio River State the report  
16 required by section 5(c).

17 **SEC. 10. TERMINATION OF COMMISSION.**

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

22 **SEC. 11. CONSENT TO NEGOTIATE PROPOSED COMPACTS.**

23 The Congress hereby consents to the negotiation by  
24 any State referred to in section 3 with one or more of  
25 any other such State of proposed interstate agreements

1 or compacts among such States in furtherance of the pur-  
2 poses of this Act or the study referred to in section 5 or  
3 any material component thereof.

4 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

5       There is authorized to be appropriated to the Na-  
6 tional Park Service to for the Commission to carry out  
7 this Act \$500,000, to be available until expended in the  
8 course of the 3 years in which the Commission is in  
9 existence.

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