

103^D CONGRESS
1ST SESSION

S. 1342

To establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3 (legislative day, JUNE 30), 1993

Mr. KENNEDY (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish in the Department of the Interior the Essex Heritage District 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. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—The Congress finds that—

5 (1) Essex County, Massachusetts was host to a
6 series of historic events that profoundly influenced
7 the course of the early settlement of the United
8 States of America, its emergence as a maritime
9 power and its subsequent industrial development;

1 (2) Essex County's North Shore and Merrimack
2 River valley contain many sites and buildings associ-
3 ated with the establishment of the maritime trade in
4 the United States of America, more examples of na-
5 tionally significant first-period architecture than any
6 place else in the Nation, significant Federal period
7 architecture, the site of the witchcraft trials of 1692,
8 and the establishment of the textile and leather in-
9 dustries in and around the cities of Peabody, Bev-
10 erly, Lawrence and Haverhill;

11 (3) Salem, Massachusetts has an uncommonly
12 rich heritage as one of the earliest landing sites of
13 the English colonists, the first major world harbor
14 for the United States of America, and a thriving hub
15 of American industries;

16 (4) the Salem Maritime Historic Site contains
17 nationally significant resources that explain how this
18 Nation was settled, its evolution into a maritime
19 power, and its development as a major industrial
20 force, and the story told at Salem National Historic
21 Site would be greatly enhanced through the interpre-
22 tation of significant theme related resources
23 throughout Essex County;

24 (5) partnerships between the private and public
25 sectors have been created and additional partner-

1 ships will be encouraged to preserve the rich cultural
2 heritage of the region, which will stimulate cultural
3 awareness and preservation and economic develop-
4 ment through tourism; and

5 (6) the residents and business community of
6 the region have formed the Essex Heritage Ad Hoc
7 Commission for the preservation, interpretation, pro-
8 motion, and development of historic, cultural and
9 natural resources of the area and are investing sig-
10 nificant private funds and energy to develop a plan
11 to preserve Essex County's national significant re-
12 sources.

13 (b) PURPOSE.—In furtherance of the findings set
14 forth in subsection (a), it is the purpose of this Act—

15 (1) to establish the Essex Heritage District and
16 the Essex Heritage District Commission represent-
17 ing all concerned levels of government to recognize,
18 preserve, promote, interpret, and make available for
19 the benefit of the public the historic, cultural, and
20 natural resources of the North Shore and lower
21 Merrimack River valley in Essex County, Massachu-
22 setts, which encompasses the three primary themes
23 of and associated with Salem Maritime National
24 Historic Site, including the histories of early settle-

1 ment, maritime trade, and textile and leather indus-
2 tries;

3 (2) to implement, as appropriate, Preservation
4 and Interpretation Alternative 4, Countrywide/All
5 Themes/Secondary Centers in Lawrence and Haver-
6 hill, and to implement Management Alternative 3,
7 Federal Commission contained in the document enti-
8 tled "The Salem Project: A Study of Alternatives"
9 dated January 1990, within the boundaries of the
10 Salem Project, as generally depicted on a map which
11 is numbered DSC/373/40017A and dated October
12 1989; and

13 (3) to provide a management framework to as-
14 sist the Commonwealth of Massachusetts and its
15 units of local government in the development and
16 implementation of an integrated cultural, historical,
17 and land resource management program in order to
18 retain, enhance, and interpret the significant values
19 of the lands, waters, and structures located in the
20 District.

21 **SEC. 2. DEFINITIONS.**

22 For the purposes of the Act:

23 (1) The term "Commission" means the Essex
24 Heritage District Commission established by section
25 201.

1 (2) The term “District” means the Essex Her-
2 itage District established by section 101.

3 (3) The term “Secretary” means the Secretary
4 of the Interior.

5 **TITLE I—ESSEX HERITAGE DISTRICT**

6 **SEC. 101. DESIGNATION OF DISTRICT.**

7 (a) DESIGNATION.—For the purpose of preserving
8 and interpreting for the educational and inspirational ben-
9 efit of present and future generations the unique signifi-
10 cant contributions to our national heritage of certain his-
11 toric and cultural lands, natural waterways and structures
12 within the County of Essex in the Commonwealth of Mas-
13 sachusetts, there is hereby established the Essex Heritage
14 District.

15 (b) BOUNDARIES.—The boundaries of the District
16 shall include those lands generally depicted on a map num-
17 bered DSC/373/40017A and dated October 1989. The
18 map shall be on file and available for public inspection
19 in the office of the Department of the Interior in Washing-
20 ton, District of Columbia, and the Massachusetts Depart-
21 ment of Environmental Management.

22 (c) ADMINISTRATION.—The District shall be admin-
23 istered in accordance with the provisions of this Act.

1 rence, Haverhill, Newburyport, Beverly and Gloucester,
2 ter, and three representing the towns of Essex
3 County submitted by the Essex County Commission.

4 (3) Eight members representing local business,
5 nonprofit organizations, and other nongovernmental
6 groups appointed from recommendations submitted
7 as follows: two shall be appointed from recommenda-
8 tions by the Salem Partnership, one each from the
9 recommendations of the Lynn Partnership, the Ha-
10 verhill Partnership, the Gloucester Chamber of Com-
11 merce (until such time as the Gloucester Partnership
12 is incorporated), the Lawrence Chamber of Com-
13 merce, one from the North Shore Chamber of Com-
14 merce and one from the Society for the Preservation
15 of New England Antiquities.

16 (4) Three members representing nonprofit orga-
17 nizations with significant interests and resources lo-
18 cated in the District of which one shall be rec-
19 ommended by the Peabody and Essex Museum to
20 represent the interests of major museums, one shall
21 be recommended by the Essex County Greenbelt As-
22 sociation to represent the interests of the natural re-
23 sources of the District, and one shall be rec-
24 ommended by the President of Salem State College

1 to represent the interests of institutions of higher
2 education.

3 (5) The Director of the National Park Service,
4 ex officio, or the delegate of the Director, the super-
5 intendent of the Salem Maritime Historic Site, ex
6 officio, or the delegate of the superintendent, and
7 the superintendent of the Saugus Ironworks Na-
8 tional Historic Site, ex officio, or the delegate of the
9 superintendent.

10 (6) Two members recommended by the Rep-
11 resentative in Congress from the Fifth Congressional
12 District.

13 (7) Two members recommended by the Rep-
14 resentative in Congress from the Sixth Congressional
15 District.

16 (b) TERMS.—The term of appointed members of the
17 Commission shall be three years.

18 (c) CHAIRPERSON.—The Commission shall elect a
19 chairman or chairwoman from among its members. The
20 term of the chairperson shall be two years.

21 (d) VACANCY.—Any member of the Commission ap-
22 pointed for a definite term may serve after the expiration
23 of his term until his successor is appointed. Any vacancy
24 in the Commission shall be filled in the same manner in
25 which the original appointment was made. Any member

1 appointed to fill a vacancy shall serve for the remainder
2 of the term for which the member's predecessor was ap-
3 pointed.

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

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

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

15 **SEC. 202. STAFF OF THE COMMISSION.**

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

19 (2) Staff appointed by the Commission—

20 (A) shall be appointed subject to the provisions
21 of title 5, United States Code, governing appoint-
22 ments in the competitive services; and

23 (B) shall be paid in accordance with the provi-
24 sions of chapter 53 of such title relating to classi-
25 fication and General Schedule pay rates.

1 (b) EXPERTS AND CONSULTANTS.—Subject to such
2 rules as may be adopted by the Commission, the Commis-
3 sion may procure services of experts and consultants to
4 the same extent as is authorized by section 3109(b) of title
5 5, United States Code, but at rates determined by the
6 Commission to be reasonable.

7 (c) STAFF AND OTHER AGENCIES.—(1) Upon re-
8 quest of the Commission, the head of any Federal agency
9 may detail, on a reimbursable basis, any of the personnel
10 of such agency to the Commission to assist the Commis-
11 sion in carrying out the Commission's duties.

12 (2) The Commission may accept the services of per-
13 sonnel detailed from the Commonwealth of Massachusetts
14 (and any political subdivision thereof) and may reimburse
15 the commonwealth or political subdivision for those serv-
16 ices.

17 (d) ADMINISTRATIVE SUPPORT.—The Administrator
18 of the General Services Administration shall provide such
19 administrative support services as the Commission may re-
20 quest, on a reimbursable basis.

21 **SEC. 203. POWERS OF THE COMMISSION.**

22 (a) IN GENERAL.—The Commission may for the pur-
23 pose of carrying out this title hold such hearings, sit and
24 act at such times and places, take such testimony, and

1 receive such evidence, as the Commission may deem advis-
2 able.

3 (b) BYLAWS.—The Commission may make such by-
4 laws, rules and regulations, consistent with this Act, as
5 it considers necessary to carry out its functions under this
6 title.

7 (c) DELEGATION.—When so authorized by the Com-
8 mission, any member or agent of the Commission may
9 take any action which the Commission is authorized to
10 take by the section.

11 (d) TECHNICAL ADVISORY GROUPS.—The Commis-
12 sion may establish and appoint one or more technical advi-
13 sory groups and subcommittees to provide technical advice
14 in financing, historic preservation, natural resource pres-
15 ervation, recreation, tourism, and intergovernmental co-
16 ordination.

17 (e) GIFTS.—Notwithstanding any other provision of
18 law, the Commission may seek and accept, and dispose
19 of donations of funds, property, or services from individ-
20 uals, foundations, corporations, and other private entities
21 and from public entities, for the purpose of carrying out
22 its duties.

23 (f) FUNDS FROM OTHER SOURCES.—The Commis-
24 sion may use its funds to obtain money from any source
25 under any program or law requiring the recipient of such

1 money to make a contribution in order to receive such
2 money.

3 (g) MAIL.—The Commission may use the United
4 States mails in the same manner and upon the same con-
5 ditions as other departments and agencies of the United
6 States.

7 (h) OBTAINING PROPERTY, FACILITIES AND SERV-
8 ICES.—The Commission may obtain by purchase, rental,
9 donation or otherwise, such property, facilities, and serv-
10 ices as may be needed to carry out its duties. The Commis-
11 sion may acquire real property, or interests in real prop-
12 erty, in the District by gift, by rental or by purchase from
13 a willing seller with money which was given, bequeathed
14 or appropriated to the Commission on the condition that
15 such money would be used to purchase real property, or
16 interests in real property in the District.

17 (i) ADVISORY GROUPS.—The Commission may estab-
18 lish such advisory groups as the Commission deems nec-
19 essary to ensure open communication with, and assistance
20 from, the Commonwealth of Massachusetts, political sub-
21 divisions of the Commonwealth of Massachusetts, and in-
22 terested persons.

23 (j) COOPERATIVE AGREEMENTS.—The Commission
24 may enter into cooperative agreements with the Secretary,

1 the State of Massachusetts, with any political subdivision
2 of the State or with any person.

3 **SEC. 204. FUNCTIONS OF THE COMMISSION.**

4 (a) IN GENERAL.—The Commission is authorized
5 to—

6 (1) coordinate activities of and establish cooper-
7 ative agreements with Federal, State, and local gov-
8 ernments and private businesses and organizations
9 in order to further historic preservation, cultural
10 conservation, natural area protection and compatible
11 revitalization;

12 (2) establish guidelines and standards for
13 projects and prepare programs and exhibits, consist-
14 ent with standards established by the National Park
15 Service for preservation of historic properties includ-
16 ing interpretive methods, that will further the rec-
17 ognition, preservation, promotion, interpretation and
18 economic revitalization of the historic and natural
19 resources in the District;

20 (3) provide advice and assistance in preparation
21 of loan or grant applications to the Commission and
22 applications for loan or grants from the Federal or
23 non-Federal sources in furtherance of the purposes
24 of this title;

1 (4) make loans and grants, from funds appro-
2 priated for that purpose from funds donated or oth-
3 erwise made available to the Commission, for the
4 purpose of conserving and protecting sites, buildings,
5 resources and objects which are included or eligible
6 for inclusion on the National Register of Historic
7 Places or for the purposes of providing educational
8 and cultural programs which encourage appreciation
9 of the resources of the District; and

10 (5) prepare and implement a study report
11 which shall incorporate in whole or in part the plan
12 prepared by the Essex Heritage Ad Hoc Commission
13 and shall present a unified historic preservation and
14 interpretive plan for the District. The report shall
15 include an analysis of the methods and means of
16 inventorying, preserving, and interpreting the histor-
17 ical, cultural and natural resources of the District
18 along with recommendations concerning utilization
19 of these resources and coordination of activities
20 within the District.

21 (b) ANNUAL REPORTS.—The Commission shall sub-
22 mit an annual report to the Secretary setting forth its ex-
23 penses and income and the entities to which any loans and
24 grants were made during the year for which the report
25 is made. The Secretary shall submit an annual report to

1 the Congress describing the loans, grants, and technical
2 assistance provided under this Act. Such report shall
3 specify the amount, recipient, and purpose of any loan,
4 grant, or technical assistance so provided, and shall in-
5 clude an analysis of the adequacy of actions taken during
6 the previous year to preserve, protect, and interpret the
7 significant sites, buildings and objects within the area; as
8 well as the anticipated funds and personnel to be made
9 available by the Secretary during the next fiscal year to
10 implement the provisions of this Act.

11 (c) **COST ESTIMATES.**—Prior to making any grant or
12 loan the Commission shall require detailed cost estimates
13 to be prepared for the project to be funded. Within one
14 year from the date of enactment, the Commission shall
15 submit to the appropriate committees of the Congress de-
16 tailed cost estimates for the projects identified in the ac-
17 tion plan referred to in section 204(a)(5).

18 **SEC. 205. DUTIES OF THE SECRETARY.**

19 (a) **IN GENERAL.**—To carry out the purposes of this
20 Act, the Secretary shall assist the Commission in prepar-
21 ing the study report referred to in section 204(a)(5) and
22 in implementing its recommendations. The Secretary is
23 authorized to enter into agreements with the Commission
24 or with any owner of property with national, historic or
25 cultural significance within the District for the purpose

1 of facilitating public use and enjoyment of such resources
2 or to otherwise further the objectives of the Commission.
3 Such agreements shall provide whenever appropriate
4 that—

5 (1) the public may have access to such re-
6 sources at specified, reasonable times for the pur-
7 pose of viewing the property or the exhibits or at-
8 tending programs or the other activities as may be
9 appropriate;

10 (2) the Secretary may make improvements to
11 such resources as the Commission or the Secretary
12 deem necessary to enhance the public use and enjoy-
13 ment, or to render such property usable by the Sec-
14 retary, the Commission or any person for the pur-
15 poses established by this Act; and

16 (3) the Secretary may occupy, utilize, acquire
17 easements or leasehold interests in such resources as
18 required to implement the programs and purposes of
19 this Act.

20 (b) TECHNICAL ASSISTANCE.—The Secretary shall
21 provide, upon request, technical assistance to the Commis-
22 sion to assist the Commission in the performance of its
23 powers and functions as authorized under this Act. The
24 Secretary may provide to any owner of property within
25 the District, to the Commonwealth of Massachusetts, to

1 the City of Salem and other participating municipalities,
2 or to any other Federal or State entity, or to any institu-
3 tion, or to any person such technical assistance as the Sec-
4 retary considers appropriate to carry out the purposes of
5 this Act.

6 **SEC. 206. EXPIRATION.**

7 The Commission shall cease to exist ten years after
8 the date of enactment of this Act. The Commission shall
9 assist, if appropriate, in the establishment of a nonprofit
10 management entity, exempt from income taxes under sec-
11 tion 501(c)(3) of the Internal Revenue Code of 1986, to
12 continue as necessary the functions of the Commission and
13 the management of the District upon the expiration of the
14 Commission. Any property or funds of the Commission re-
15 maining upon the expiration of the Commission to this pri-
16 vate nonprofit organization, or to the United States, as
17 a State or local government agency, or to any combination
18 of the foregoing.

19 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

20 There are hereby authorized to be appropriated to the
21 Commission such funds as may be necessary to carry out
22 the purposes of this title.

○

S 1342 IS—2