

103D CONGRESS
1ST SESSION

S. 1585

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, OCTOBER 13), 1993

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

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.—Congress finds that—

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

1 Mississippi River and comprises a chain of commer-
2 cial, industrial, historical, archaeological, natural,
3 recreational, scenic, wildlife, urban, rural, cultural,
4 and economic areas, are of major significance and
5 importance to the United States;

6 (2) the national interest is served by—

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

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

13 (3) efforts to preserve, protect, and improve the
14 amenities and resources of the Ohio River are inad-
15 equate despite efforts by the States through which
16 the Ohio River flows, political subdivisions of the
17 States, and volunteer associations and private busi-
18 nesses in the States;

19 (4) Federal agency programs are insufficient to
20 coordinate State and local planning and regulatory
21 authorities to provide for resource management and
22 economic development in a manner that is consistent
23 with the protection and public use of the amenities
24 and resources of the Corridor; and

1 (5) the Federal Government should assist in the
2 coordination, preservation, and interpretation activi-
3 ties of public and private entities with respect to the
4 significant amenities and resources associated with
5 the Ohio River.

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

7 (1) to focus attention on the unique and nation-
8 ally significant resources of the Ohio River Corridor;

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

13 (3) to establish a national entity to gather, as-
14 sess, and disseminate information on the historic,
15 economic, natural, recreational, scenic, and cultural
16 opportunities in the Ohio River Corridor.

17 **SEC. 3. DEFINITIONS.**

18 For purposes of this Act:

19 (1) COMMISSION.—The term “Commission”
20 means the Ohio River Corridor Study Commission
21 established under section 4.

22 (2) OHIO RIVER CORRIDOR; CORRIDOR.—The
23 terms “Ohio River Corridor” and “Corridor” mean
24 the Ohio River from Pittsburgh, Pennsylvania, to
25 Cairo, Illinois, and an area extending from the edge

1 of the river to the landward boundary of each county
2 along the designated length of the river.

3 (3) OHIO RIVER STATE.—The term “Ohio River
4 State” means each of the States of Illinois, Ken-
5 tucky, Indiana, Ohio, West Virginia, and Pennsylva-
6 nia.

7 **SEC. 4. OHIO RIVER STUDY COMMISSION.**

8 (a) ESTABLISHMENT.—There is established a com-
9 mission to be known as the Ohio River Corridor Study
10 Commission.

11 (b) DUTIES OF THE COMMISSION.—

12 (1) STUDY.—The Commission shall study and
13 make recommendations regarding—

14 (A) the feasibility of establishing an Ohio
15 River National Heritage Corridor for the Ohio
16 River Corridor; and

17 (B) the preservation, protection, improve-
18 ment, enjoyment, and utilization of the historic,
19 economic, natural, recreational, scenic, and cul-
20 tural resources of the Corridor consistent with
21 this Act.

22 (2) INFORMATION COLLECTION; CONSULTA-
23 TION.—As part of the study conducted under para-
24 graph (1), the Commission shall—

1 (A) assess the preservation, protection, im-
2 provement, enjoyment, and utilization potential
3 of the historic, economic, natural, recreational,
4 scenic, and cultural resources of the Corridor;

5 (B) collect information dealing with ongo-
6 ing activities, management plans, and opportu-
7 nities regarding historic, economic, natural, rec-
8 reational, scenic, and cultural resources in the
9 Corridor;

10 (C) make such information available to
11 Federal agencies, States, and political subdivi-
12 sions of States, tribal governments, educational
13 institutions, volunteer associations, and private
14 businesses to assist such entities in undertaking
15 activities to preserve, protect, improve, or utilize
16 the historic, economic, natural, recreational,
17 scenic, or cultural resources of the Corridor;

18 (D) consult with the Ohio River Valley
19 Water Sanitation Commission and the Ohio
20 River Basin Commission, and cooperate with
21 the commissions and such associations in the
22 performance of its duties;

23 (E) provide a forum for the consideration
24 of resource issues relating to the Corridor;

1 (F) seek and encourage the participation
2 of affected State and local governments, inter-
3 ested citizens, public officials, groups, agencies,
4 educational institutions, and others in the pres-
5 ervation, protection, improvement, enjoyment,
6 and utilization of the resources of the Corridor;

7 (G) recommend methods and means for
8 educating the general population about the na-
9 tional importance and value of the Ohio River
10 as a natural resource and national treasure;
11 and

12 (H) make the Commission accessible to
13 such groups, agencies, and citizens by holding
14 at least one well-publicized public hearing in
15 each State within the Corridor.

16 (3) REPORT.—The Commission shall prepare a
17 report that—

18 (A) specifies the results of the study con-
19 ducted under paragraph (1); and

20 (B) contains—

21 (i) a description of the Ohio River
22 Corridor and the proposed boundaries of
23 an Ohio River National Heritage Corridor
24 (if so recommended) showing the corridor
25 and such zones as may be appropriate;

1 (ii) an inventory and assessment of
2 the historic, economic, natural, rec-
3 reational, scenic, and cultural resources of
4 the Corridor;

5 (iii) specific preservation and interpre-
6 tation goals;

7 (iv) proposed management strategies
8 whereby the funds, data, personnel, and
9 authorities of public and private entities
10 may be combined and coordinated in fur-
11 therance of the purposes of this Act; and

12 (v) such recommendations as the
13 Commission may deem appropriate with
14 respect to clauses (i) through (iv) and with
15 respect to public access to and interpreta-
16 tion of the natural and cultural resources
17 of the river and related outdoor recreation
18 opportunities.

19 (c) ORGANIZATION OF THE COMMISSION.—

20 (1) MEMBERSHIP.—The Commission shall be
21 composed of 11 members including—

22 (A) the Director of the National Park
23 Service (or a designee of the Director);

24 (B) the Secretary of Transportation (or a
25 designee of the Secretary);

1 (C) the Secretary of Commerce (or a des-
2 ignee of the Secretary);

3 (D) the Director of the United States Fish
4 and Wildlife Service (or a designee of the Direc-
5 tor);

6 (E) the Chief of Engineers of the Army
7 Corps of Engineers (or a designee of the Chief);
8 and

9 (F) one member from each Ohio River
10 State appointed by the Governor of such State.

11 (2) EX OFFICIO MEMBERS.—Members des-
12 igned by clauses (A) through (E) of paragraph (1)
13 shall serve ex officio.

14 (3) INITIAL APPOINTMENTS.—Members of the
15 Commission appointed under clause (F) of para-
16 graph (1) shall be first appointed not later than 45
17 days after the date of enactment of this Act.

18 (4) VACANCIES.—A vacancy in the Commission
19 shall be filled in the manner in which the original
20 appointment is made.

21 (5) TERMS.—Members of the Commission ap-
22 pointed under clause (F) of paragraph (1) shall be
23 appointed for the life of the Commission.

24 (6) COMPENSATION.—Members of the Commis-
25 sion shall serve without compensation.

1 (7) REIMBURSEMENT OF EXPENSES.—While
2 away from their homes or regular places of business
3 in the performance of services for the Commission,
4 members of the Commission shall be allowed travel
5 expenses, including a per diem allowance in lieu of
6 subsistence, in the same manner as persons em-
7 ployed intermittently in Government service are al-
8 lowed travel expenses under section 5703 of title 5,
9 United States Code.

10 (8) QUORUM.—

11 (A) IN GENERAL.—Seven members of the
12 Commission shall constitute a quorum, but a
13 lesser number of members may hold hearings.

14 (B) PROXY.—A member of the Commis-
15 sion may vote by means of a signed proxy exer-
16 cised by another member of the Commission,
17 but any member so voting shall not be consid-
18 ered present for purposes of establishing a
19 quorum.

20 (9) CHAIRPERSON.—As the first item of busi-
21 ness at the first meeting of the Commission, the
22 members of the Commission shall elect a chairperson
23 of the Commission from among the members ap-
24 pointed under subsection (c)(1)(F).

25 (10) MEETINGS.—

1 (A) INITIAL MEETING.—Not later than 30
2 days after the members of the Commission are
3 first appointed, the Commission shall hold its
4 first meeting.

5 (B) SUBSEQUENT MEETINGS.—After the
6 initial meeting, the Commission shall meet at
7 the call of the chairperson or a majority of the
8 members.

9 (11) INTERIM RULES.—The Director of the Na-
10 tional Park Service (or a designee of the Director)
11 shall select the date of the first meeting and shall
12 serve as chairperson until the election of the chair-
13 person under paragraph (9).

14 (12) TECHNICAL COMMITTEE.—With the advice
15 and consent of the Commission members, the chair-
16 person may appoint a technical committee with rep-
17 resentation from various interest groups, profes-
18 sional agencies, or advocacy groups within the Ohio
19 River States with each State having at least one
20 member.

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

24 (d) STAFF; EXPERTS AND CONSULTANTS; PERSON-
25 NEL OF FEDERAL AGENCIES.—

1 (1) LEAD AGENCY.—The National Park Service
2 shall, if personnel are available, staff and advise the
3 Commission.

4 (2) STAFF.—The Commission, if National Park
5 Service personnel are not available, with advice from
6 the Director of the National Park Service (or a des-
7 ignee of the Director), may appoint and fix the pay
8 of such staff as the Commission considers appro-
9 priate, subject to—

10 (A) the provisions of title 5, United States
11 Code, governing appointments in the competi-
12 tive service; and

13 (B) the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of such title relating
15 to classification and General Schedule pay
16 rates.

17 (3) EXPERTS AND CONSULTANTS.—The Com-
18 mission, with advice from the Director of the Na-
19 tional Park Service (or a designee of the Director),
20 may procure temporary and intermittent services
21 under section 3109(b) of title 5, United States Code.

22 (4) PERSONNEL OF STATES AND POLITICAL
23 SUBDIVISIONS.—The Commission may—

1 (A) accept the services of personnel de-
2 tailed from an Ohio River State or a political
3 subdivision of an Ohio River State; and

4 (B) reimburse such State or such subdivi-
5 sion for such services.

6 (5) PERSONNEL OF FEDERAL AGENCIES.—At
7 the request of the Commission, with the advice of
8 the Director of the National Park Service (or a des-
9 ignee of the Director), the head of any Federal
10 agency may detail, on a reimbursable basis, any of
11 the personnel of such agency to the Commission to
12 assist the Commission in carrying out its duties
13 under this Act.

14 (e) POWERS OF THE COMMISSION.—

15 (1) HEARINGS AND SESSIONS.—The Commis-
16 sion may hold such hearings, sit and act at such
17 times and places, take such testimony, and receive
18 such evidence as the Commission considers appro-
19 priate to carry out this Act.

20 (2) POWERS OF MEMBERS AND AGENTS.—Any
21 member or agent of the Commission may, if so au-
22 thorized by the Commission, take any action which
23 the Commission is authorized to take by this section.

24 (3) MAILS.—The Commission may use the
25 United States mails in the same manner and under

1 the same conditions as other departments and agen-
2 cies of the United States.

3 (4) ADMINISTRATIVE SUPPORT SERVICES.—The
4 Administrator of General Service shall provide to the
5 Commission on a reimbursable basis such adminis-
6 trative support services as the Commission may
7 request.

8 (f) SUBMISSION OF REPORTS.—

9 (1) INTERIM REPORT.—Not later than 2 years
10 after the date of the first meeting of the Commis-
11 sion, the Commission shall submit to the President,
12 the Speaker of the House of Representatives, the
13 President of the Senate, and the Governor of each
14 Ohio River State a report describing the progress of
15 the Commission in carrying out the duties of the
16 Commission under subsection (b).

17 (2) FINAL REPORT.—Not later than 3 years
18 after the date of the first meeting of the Commis-
19 sion, the Commission shall submit to the President,
20 the Speaker of the House of Representatives, the
21 President of the Senate, and the Governor of each
22 Ohio River State the report required by subsection
23 (b)(3).

24 (g) TERMINATION OF COMMISSION.—Notwithstand-
25 ing section 14(a)(2) of the Federal Advisory Committee

1 Act (5 U.S.C. App.), the Commission shall cease to exist
2 90 days after submitting the report required by subsection
3 (b)(3).

4 **SEC. 5. CONSENT TO NEGOTIATE PROPOSED COMPACTS.**

5 The consent and approval of Congress are hereby
6 given to each Ohio River State to enter into an interstate
7 agreement or compact with 1 or more of any other Ohio
8 River State in furtherance of this Act or the study referred
9 to in section 4(b)(1).

10 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

11 There is authorized to be appropriated to carry out
12 this Act such sums as may be necessary to be available
13 until expended during the 3 years in which the Commis-
14 sion is in existence.

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