

104TH CONGRESS  
2D SESSION

# S. 1785

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

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## IN THE SENATE OF THE UNITED STATES

MAY 21, 1996

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

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## A BILL

To establish in the Department of the Interior the Essex National Heritage Area 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 “Essex National Herit-  
5       age Area Act of 1996”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

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

8               (1) Essex County, Massachusetts, was host to  
9       a series of historic events that influenced the course  
10      of the early settlement of the United States, its

1 emergence as a maritime power, and its subsequent  
2 industrial development;

3 (2) the North Shore of Essex County and the  
4 Merrimack River valley in Essex County contain ex-  
5 amples of significant early American architecture  
6 and significant Federal-period architecture, many  
7 sites and buildings associated with the establishment  
8 of the maritime trade in the United States, the site  
9 of the witchcraft trials of 1692, the birthplace of  
10 successful iron manufacture, and the establishment  
11 of the textile and leather industries in and around  
12 the cities of Peabody, Beverly, Lynn, Lawrence, and  
13 Haverhill;

14 (3) Salem, Massachusetts, has a rich heritage  
15 as one of the earliest landing sites of the English  
16 colonists, the first major world harbor for the Unit-  
17 ed States, and an early thriving hub of American in-  
18 dustries;

19 (4) the Saugus Iron Works National Historic  
20 Site is the site of the first sustained, integrated iron  
21 works in Colonial America, and the technology em-  
22 ployed at the Iron Works was dispersed throughout  
23 the Colonies and was critical to the development of  
24 industry and technology in America;

1           (5) the Salem Maritime National Historic Site  
2 contains nationally significant resources that explain  
3 the manner in which the Nation was settled, its evo-  
4 lution into a maritime power, and its development as  
5 a major industrial force;

6           (6) the story told at the Salem Maritime and  
7 Saugus Iron Works National Historic Sites would be  
8 greatly enhanced through the interpretation of sig-  
9 nificant theme-related resources in Salem and  
10 Saugus and throughout Essex County;

11           (7) partnerships between the private and public  
12 sectors have been created and additional partner-  
13 ships will be encouraged to preserve the rich cultural  
14 heritage of the region, which will stimulate cultural  
15 awareness, preservation, and economic development  
16 through tourism;

17           (8) a visitors' center that has already been con-  
18 structed at Salem Maritime National Historic Site in  
19 Salem, Massachusetts, will be available to interpret  
20 the themes of the Essex National Heritage Area es-  
21 tablished by this Act and to coordinate the interpre-  
22 tive and preservation activities of the Area; and

23           (9) the resident and business communities of  
24 the region have formed the Essex Heritage Ad Hoc  
25 Commission for the preservation, interpretation, pro-

1 motion, and development of the historic, cultural,  
2 and natural resources of the region and are invest-  
3 ing significant private funds and energy to develop  
4 a plan to preserve the nationally significant re-  
5 sources of Essex County.

6 (b) PURPOSE.—It is the purpose of this Act—

7 (1) to establish the Essex National Heritage  
8 Area and the Essex National National Heritage  
9 Area Commission, representing all concerned levels  
10 of government, to recognize, preserve, promote, in-  
11 terpret, and make available for the benefit of the  
12 public the historic, cultural, and natural resources of  
13 the North Shore and lower Merrimack River valley  
14 in Essex County, Massachusetts, which encompass  
15 the three primary themes of the Salem Maritime  
16 National Historic Site and Saugus Iron Works Na-  
17 tional Historic Site (the histories of early settlement,  
18 maritime trade, and the textile and leather indus-  
19 tries);

20 (2) to implement the appropriate alternative as  
21 described in the document entitled “The Salem  
22 Project: A Study of Alternatives”, dated January  
23 1990, within the boundaries of Essex County; and

24 (3) to provide a management framework to as-  
25 sist the Commonwealth of Massachusetts and its

1 units of local government in the development and  
2 implementation of an integrated cultural, historical,  
3 and land resource management program in order to  
4 retain, enhance, and interpret the significant values  
5 of the lands, waters, and structures located in the  
6 Essex National Heritage Area.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act:

9 (1) The term “Commission” means the Essex  
10 National Heritage Area Commission established by  
11 section 201.

12 (2) The term “Area” means the Essex National  
13 Heritage Area established by section 101.

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

16 **TITLE I—ESSEX NATIONAL**  
17 **HERITAGE AREA**

18 **SEC. 101. DESIGNATION OF NATIONAL HERITAGE AREA.**

19 (a) DESIGNATION.—For the purpose of preserving  
20 and interpreting, for the educational and inspirational  
21 benefit of present and future generations, the unique and  
22 significant contributions to our national heritage of cer-  
23 tain historic and cultural lands, natural waterways, and  
24 structures within the County of Essex in the Common-

1 wealth of Massachusetts, there is hereby established the  
2 Essex National Heritage Area.

3 (b) BOUNDARIES.—The Area shall comprise the  
4 lands generally depicted on the map numbered NAR–51–  
5 80,000 and dated August 1994. The map shall be on file  
6 and available for public inspection in the office of the Di-  
7 rector of the National Park Service.

8 (c) ADMINISTRATION.—The Area shall be adminis-  
9 tered in accordance with the provisions of this Act.

10 **TITLE II—ESSEX NATIONAL**  
11 **HERITAGE AREA COMMISSION**

12 **SEC. 201. ESTABLISHMENT.**

13 (a) IN GENERAL.—To carry out the purpose of this  
14 Act there is hereby established in the Department of the  
15 Interior the Essex National Heritage Area Commission.  
16 The Commission shall exercise the responsibilities and au-  
17 thorities conferred on the Commission by this title with  
18 respect to the Area. The Commission shall consist of 33  
19 members (including ex officio members), appointed by the  
20 Secretary, as follows:

21 (1) Five members appointed from recommenda-  
22 tions submitted by the Governor of Massachusetts,  
23 of which one shall represent the interests of the  
24 Massachusetts Historical Commission, one shall rep-  
25 resent the Executive Office of Environmental Man-

1       agement, one shall represent the Massachusetts Ex-  
2       ecutive Office of Transportation and Highways, one  
3       shall represent the Executive Office of Administra-  
4       tion and Finance, and one shall represent the Exec-  
5       utive Office of Communities and Development.

6               (2) Eleven members representing the interests  
7       of local government, appointed from recommenda-  
8       tions submitted as follows:

9                       (A) One each from recommendations sub-  
10       mitted by the mayors of the cities of Peabody,  
11       Salem, Lynn, Lawrence, Haverhill, Newbury-  
12       port, Beverly, and Gloucester.

13                      (B) Three representing the towns of Essex  
14       County, from recommendations submitted by  
15       the Essex County Advisory Board.

16               (3) Eight members representing local business,  
17       nonprofit organizations, and other nongovernmental  
18       groups, appointed from recommendations submitted  
19       as follows:

20                      (A) Two from recommendations submitted  
21       by the Salem Partnership.

22                      (B) One each from recommendations sub-  
23       mitted by the Lynn Business Partnership, the  
24       Greater Haverhill Chamber of Commerce, the  
25       Cape Ann Chamber of Commerce, the

1 Merrimack Valley Chamber of Commerce, the  
2 North Shore Chamber of Commerce, and the  
3 Society for the Preservation of New England  
4 Antiquities.

5 (4) Three members representing nonprofit orga-  
6 nizations which have significant interests and re-  
7 sources located in the Area, from recommendations  
8 submitted as follows:

9 (A) One from recommendations submitted  
10 by the Peabody Essex Museum, to represent the  
11 interests of major museums.

12 (B) One from recommendations submitted  
13 by the Essex County Greenbelt Association, to  
14 represent the interests of the natural resources  
15 of the Area.

16 (C) One from recommendations submitted  
17 by the President of Salem State College, to rep-  
18 resent the interests of institutions of higher  
19 education.

20 (5) The Director of the National Park Service,  
21 ex officio, or the delegate of the Director, the super-  
22 intendent of the Salem Maritime National Historic  
23 Site, ex officio, or the delegate of the superintend-  
24 ent, and the superintendent of the Saugus Ironworks

1 National Historic Site, ex officio, or the delegate of  
2 the superintendent.

3 (6) One member recommended by the Rep-  
4 resentative to the Congress from the Fifth Congres-  
5 sional District of Massachusetts.

6 (7) Two members recommended by the Rep-  
7 resentative to the Congress from the Sixth Congres-  
8 sional District of Massachusetts.

9 (b) TERMS.—The term of appointed members of the  
10 Commission shall be 3 years, except as provided in sub-  
11 section (d).

12 (c) CHAIRPERSON.—The Commission shall elect a  
13 chairperson from among its members. The term of office  
14 of the chairperson shall be 2 years.

15 (d) VACANCY.—Any member of the Commission ap-  
16 pointed for a definite term may serve after the expiration  
17 of his term until his successor is appointed. Any vacancy  
18 in the Commission shall be filled in the same manner in  
19 which the original appointment was made. The term of  
20 any member appointed to fill a vacancy shall be the re-  
21 mainder of the term for which the member's predecessor  
22 was appointed.

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

1 (f) MEETINGS.—The Commission shall meet at the  
2 call of the chairperson or a majority of its members, but  
3 not less than quarterly.

4 (g) COMPENSATION.—Members of the Commission  
5 shall serve without compensation, except as otherwise pro-  
6 vided in this subsection. Members of the Commission may  
7 receive travel expenses (including per diem in lieu of sub-  
8 sistence) when engaged in Commission business, in ac-  
9 cordance with section 5703, title 5, United States Code,  
10 in the same manner as persons employed intermittently.

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

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

15 (2) Staff appointed by the Commission—

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

19 (B) shall be paid in accordance with the provi-  
20 sions of chapter 51 of title 5, United States Code,  
21 and subchapter III of chapter 53 of such title, relat-  
22 ing to classification and General Schedule pay rates.

23 (b) EXPERTS AND CONSULTANTS.—Subject to such  
24 rules as may be adopted by the Commission, the Commis-  
25 sion may procure services of experts and consultants to

1 the same extent as is authorized by section 3109(b) of title  
2 5, United States Code, but at rates determined by the  
3 Commission to be reasonable.

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

9 (2) The Commission may accept the services of per-  
10 sonnel detailed from the Commonwealth of Massachusetts  
11 (and any political subdivision thereof) and may reimburse  
12 the Commonwealth or political subdivision for the services.

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

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

18 (a) IN GENERAL.—The Commission may for the pur-  
19 pose of carrying out this Act hold such hearings, sit and  
20 act at such times and places, take such testimony, and  
21 receive such evidence, as the Commission may deem advis-  
22 able.

23 (b) BYLAWS.—The Commission may make such by-  
24 laws, rules and regulations, consistent with this Act, as

1 it considers necessary to carry out its functions under this  
2 title.

3 (c) DELEGATION.—When so authorized by the Com-  
4 mission, any member or agent of the Commission may  
5 take any action which the Commission is authorized to  
6 take by this section.

7 (d) TECHNICAL ADVISORY GROUPS.—The Commis-  
8 sion may establish and appoint one or more technical advi-  
9 sory groups and subcommittees to provide technical advice  
10 to the Commission with respect to issues including, but  
11 not limited to, financing, historic preservation, natural re-  
12 source preservation, recreation, tourism, or intergovern-  
13 mental coordination.

14 (e) GIFTS.—Notwithstanding any other provision of  
15 law, the Commission may seek, accept, and dispose of do-  
16 nations of funds, property, or services from individuals,  
17 from foundations, corporations, and other private entities,  
18 and from public entities, for the purpose of carrying out  
19 its duties.

20 (f) FUNDS FROM OTHER SOURCES.—The Commis-  
21 sion may use its funds to obtain money from any source  
22 under any program or law, including a program or law  
23 requiring the recipient of such money to make a contribu-  
24 tion in order to receive such money.

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

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

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

21 (j) COOPERATIVE AGREEMENTS.—The Commission  
22 may enter into cooperative agreements with the Secretary,  
23 the Commonwealth of Massachusetts, any political sub-  
24 division of the Commonwealth, or any person.

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

2 (a) IN GENERAL.—The Commission is authorized  
3 to—

4 (1) coordinate activities of and establish cooper-  
5 ative agreements with Federal, State, and local gov-  
6 ernments and private businesses and organizations  
7 in order to further historic preservation, cultural  
8 conservation, natural area protection, and compat-  
9 ible revitalization with respect to the Area;

10 (2) establish guidelines and standards for  
11 projects and prepare programs and exhibits, consist-  
12 ent with standards established by the National Park  
13 Service for preservation of historic properties (in-  
14 cluding standards regarding interpretive methods),  
15 that will further the recognition, preservation, pro-  
16 motion, interpretation, and economic revitalization of  
17 the historic and natural resources in the Area;

18 (3) provide advice and assistance in preparation  
19 of loan or grant applications to the Commission and  
20 applications for loan or grants from Federal or non-  
21 Federal sources in furtherance of the purpose of this  
22 Act;

23 (4) make loans and grants, from funds appro-  
24 priated for that purpose or from funds donated or  
25 otherwise made available to the Commission, for the  
26 purpose of conserving and protecting sites, buildings,

1 resources, and objects which are included or eligible  
2 for inclusion on the National Register of Historic  
3 Places or for the purposes of providing educational  
4 and cultural programs which encourage appreciation  
5 of the resources of the Area; and

6 (5) implement the study report prepared by the  
7 Essex Heritage Ad-Hoc Commission.

8 (b) ANNUAL REPORTS.—

9 (1) REPORTS BY COMMISSION.—The Commis-  
10 sion shall submit an annual report to the Secretary  
11 setting forth its expenses and income and the enti-  
12 ties to which any loans and grants were made by the  
13 Commission during the year for which the report is  
14 made.

15 (2) REPORTS BY SECRETARY.—The Secretary  
16 shall submit an annual report to the Congress de-  
17 scribing the loans, grants, and technical assistance  
18 provided under this Act. The report shall specify the  
19 amount, recipient, and purpose of any loan, grant,  
20 or technical assistance so provided, and shall include  
21 an analysis of the adequacy of actions taken during  
22 the year the report concerns to preserve, protect,  
23 and interpret the significant sites, buildings, and ob-  
24 jects within the Area. The report shall describe the  
25 anticipated funds and personnel to be made available

1 by the Secretary during the fiscal year following the  
2 year the report concerns to implement the provisions  
3 of this Act.

4 (c) COST ESTIMATES.—Prior to making any grant or  
5 loan, the Commission shall require detailed cost estimates  
6 to be prepared for the project to be funded. Within 1 year  
7 after the date of the enactment of this Act, the Commis-  
8 sion shall submit to the appropriate committees of the  
9 Congress detailed cost estimates for the projects for which,  
10 at the time the report is submitted, the Commission has  
11 made, has agreed to make, or plans to make a grant or  
12 loan under this Act.

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

14 (a) IN GENERAL.—To carry out the purpose of this  
15 Act, the Secretary shall assist the Commission in prepar-  
16 ing such studies and plans as the Secretary considers ap-  
17 propriate and in implementing the recommendations con-  
18 tained in study report prepared by the Essex Heritage Ad-  
19 Hoc Commission. The Secretary is authorized to enter  
20 into agreements with the Commission or with any owner  
21 of property with national historic or cultural significance  
22 within the Area for the purpose of facilitating public use  
23 and enjoyment of such resources or to otherwise further  
24 the objectives of the Commission. Any such agreement  
25 shall provide whenever appropriate that—

1           (1) the public may have access to such re-  
2           sources at specified, reasonable times for the pur-  
3           pose of viewing the property or exhibits or attending  
4           programs or other activities, as may be appropriate;

5           (2) the Secretary may make improvements to  
6           such resources as the Commission or the Secretary  
7           deem necessary to enhance the public use and enjoy-  
8           ment of the resources, or to render such property  
9           usable by the Secretary, the Commission, or any  
10          person for the purpose of this Act; and

11          (3) the Secretary may occupy, utilize, and ac-  
12          quire easements or leasehold interests in resources  
13          as required to implement the programs and purpose  
14          of this Act.

15          (b) TECHNICAL ASSISTANCE.—The Secretary shall  
16          provide, upon request, technical assistance to the Commis-  
17          sion to assist the Commission in the performance of its  
18          powers and functions as authorized under this Act. The  
19          Secretary may provide to any owner of property within  
20          the Area, to the Commonwealth of Massachusetts, to the  
21          City of Salem and other participating municipalities, to  
22          any other Federal or State entity, to any institution, or  
23          to any person such technical assistance as the Secretary  
24          considers appropriate to carry out the purpose of this Act.

1 **SEC. 206. EXPIRATION.**

2 (a) IN GENERAL.—The Commission shall cease to  
3 exist 10 years after the date of the enactment of this Act.

4 (b) SUCCESSOR ENTITY.—The Commission shall as-  
5 sist, if appropriate, in the establishment of a nonprofit  
6 management entity, exempt from income taxes under sec-  
7 tion 501(c)(3) of the Internal Revenue Code of 1986, to  
8 continue as necessary the functions of the Commission and  
9 the management of the Area upon the expiration of the  
10 Commission.

11 (c) PROPERTY OR FUNDS REMAINING.—Any prop-  
12 erty or funds of the Commission remaining upon the expi-  
13 ration of the Commission shall be transferred to the non-  
14 profit management entity referred to in subsection (b), if  
15 such an entity exists and is willing to accept the transfer.  
16 If such an entity does not exist or is not willing to accept  
17 such transfer, the property or funds referred to in the pre-  
18 ceding sentence shall be transferred to the Treasury of  
19 the United States, to a State or local government agency,  
20 or to any combination thereof, as determined by the Com-  
21 mission or, if the Commission fails to so determine and  
22 such an entity exists, by the nonprofit management entity  
23 referred to in subsection (b).

24 **SEC. 207. PRIVATE PROPERTY.**

25 No privately owned property shall be included within  
26 the boundaries of the Area unless the government of the

1 county, city, or town in which the property is located  
2 agrees to be so included and submits notification of such  
3 agreement to the Secretary.

4 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

5       There are hereby authorized to be appropriated such  
6 sums as may be necessary to carry out this Act.

○