

Calendar No. 319

106TH CONGRESS
1ST SESSION

S. 905

[Report No. 106-185]

To establish the Lackawanna Valley American Heritage Area.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 1999

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

OCTOBER 14, 1999

Reported by Mr. MURKOWSKI, with amendments and an amendment to the title

[Omit the part struck through and insert the part printed in italics]

A BILL

To establish the Lackawanna Valley American Heritage Area.

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 “Lackawanna Valley
5 ~~American~~ *National* Heritage Area Act of 1999”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the industrial and cultural heritage of
4 northeastern Pennsylvania, including Lackawanna
5 County, Luzerne County, Wayne County, and Sus-
6 quehanna County, related directly to anthracite and
7 anthracite-related industries, is nationally signifi-
8 cant;

9 (2) the industries referred to in paragraph (1)
10 include anthracite mining, ironmaking, textiles, and
11 rail transportation;

12 (3) the industrial and cultural heritage of the
13 anthracite and anthracite-related industries in the
14 region described in paragraph (1) includes the social
15 history and living cultural traditions of the people of
16 the region;

17 (4) the labor movement of the region played a
18 significant role in the development of the Nation,
19 including—

20 (A) the formation of many major unions
21 such as the United Mine Workers of America;
22 and

23 (B) crucial struggles to improve wages and
24 working conditions, such as the 1900 and 1902
25 anthracite strikes;

1 (5)(A) the Secretary of the Interior is respon-
2 sible for protecting the historical and cultural re-
3 sources of the United States; and

4 (B) there are significant examples of those re-
5 sources within the region described in paragraph (1)
6 that merit the involvement of the Federal Govern-
7 ment to develop, in cooperation with the Lacka-
8 wanna Heritage Valley Authority, the Common-
9 wealth of Pennsylvania, and local and governmental
10 entities, programs and projects to conserve, protect,
11 and interpret this heritage adequately for future
12 generations, while providing opportunities for edu-
13 cation and revitalization; and

14 (6) the Lackawanna Heritage Valley Authority
15 would be an appropriate management entity for a
16 Heritage Area established in the region described in
17 paragraph (1).

18 (b) PURPOSES.—The purposes of the Lackawanna
19 Valley ~~American~~ *National* Heritage Area and this Act
20 are—

21 (1) to foster a close working relationship among
22 all levels of government, the private sector, and the
23 local communities in the anthracite coal region of
24 northeastern Pennsylvania and enable the commu-

1 nities to conserve their heritage while continuing to
 2 pursue economic opportunities; and

3 (2) to conserve, interpret, and develop the his-
 4 torical, cultural, natural, and recreational resources
 5 related to the industrial and cultural heritage of the
 6 4-county region described in subsection (a)(1).

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) HERITAGE AREA.—The term “Heritage
 10 Area” means the Lackawanna Valley ~~American Na-~~
 11 *tional* Heritage Area established by section 4.

12 (2) MANAGEMENT ENTITY.—The term “man-
 13 agement entity” means the management entity for
 14 the Heritage Area specified in section 4(c).

15 (3) MANAGEMENT PLAN.—The term “manage-
 16 ment plan” means the management plan for the
 17 Heritage Area developed under section 6(b).

18 (4) PARTNER.—The term “partner” means—

19 (A) a Federal, State, or local governmental
 20 entity; and

21 (B) an organization, private industry, or
 22 individual involved in promoting the conserva-
 23 tion and preservation of the cultural and nat-
 24 ural resources of the Heritage Area.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.**

4 (a) ESTABLISHMENT.—There is established the
5 Lackawanna Valley ~~American~~ *National* Heritage Area.

6 (b) BOUNDARIES.—The Heritage Area shall be com-
7 prised of all or parts of Lackawanna County, Luzerne
8 County, Wayne County, and Susquehanna County, Penn-
9 sylvania, determined in accordance with the compact
10 under section 5.

11 (c) MANAGEMENT ENTITY.—The management entity
12 for the Heritage Area shall be the Lackawanna Heritage
13 Valley Authority.

14 **SEC. 5. COMPACT.**

15 (a) IN GENERAL.—To carry out this Act, the Sec-
16 retary shall enter into a compact with the management
17 entity.

18 (b) CONTENTS OF COMPACT.—The compact shall in-
19 clude information relating to the objectives and manage-
20 ment of the area, including—

21 (1) a delineation of the boundaries of the Herit-
22 age Area; and

23 (2) a discussion of the goals and objectives of
24 the Heritage Area, including an explanation of the
25 proposed approach to conservation and interpreta-

1 tion and a general outline of the protection measures
2 committed to by the partners.

3 **SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT**
4 **ENTITY.**

5 (a) **AUTHORITIES OF MANAGEMENT ENTITY.**—The
6 management entity may, for the purposes of preparing
7 and implementing the management plan, use funds made
8 ~~available under this Act~~— *available under this Act to hire*
9 *and compensate staff.*

10 (1) ~~to make loans and grants to, and enter into~~
11 ~~cooperative agreements with, any State or political~~
12 ~~subdivision of a State, private organization, or per-~~
13 ~~son; and~~

14 (2) ~~to hire and compensate staff.~~

15 (b) **MANAGEMENT PLAN.**—

16 (1) **IN GENERAL.**—The management entity
17 shall develop a management plan for the Heritage
18 Area that presents comprehensive recommendations
19 for the conservation, funding, management, and de-
20 velopment of the Heritage Area.

21 (2) **CONSIDERATION OF OTHER PLANS AND AC-**
22 **TIONS.**—The management plan shall—

23 (A) take into consideration State, county,
24 and local plans;

1 (B) involve residents, public agencies, and
2 private organizations working in the Heritage
3 Area; and

4 (C) include actions to be undertaken by
5 units of government and private organizations
6 to protect the resources of the Heritage Area.

7 (3) SPECIFICATION OF FUNDING SOURCES.—
8 The management plan shall specify the existing and
9 potential sources of funding available to protect,
10 manage, and develop the Heritage Area.

11 (4) OTHER REQUIRED ELEMENTS.—The man-
12 agement plan shall include the following:

13 (A) An inventory of the resources con-
14 tained in the Heritage Area, including a list of
15 any property in the Heritage Area that is re-
16 lated to the purposes of the Heritage Area and
17 that should be preserved, restored, managed,
18 developed, or maintained because of its histor-
19 ical, cultural, natural, recreational, or scenic
20 significance.

21 (B) A recommendation of policies for re-
22 source management that considers and details
23 application of appropriate land and water man-
24 agement techniques, including the development
25 of intergovernmental cooperative agreements to

1 protect the historical, cultural, natural, and rec-
2 reational resources of the Heritage Area in a
3 manner that is consistent with the support of
4 appropriate and compatible economic viability.

5 (C) A program for implementation of the
6 management plan by the management entity,
7 including—

8 (i) plans for restoration and construc-
9 tion; and

10 (ii) specific commitments of the part-
11 ners for the first 5 years of operation.

12 (D) An analysis of ways in which local,
13 State, and Federal programs may best be co-
14 ordinated to promote the purposes of this Act.

15 (E) An interpretation plan for the Herit-
16 age Area.

17 (5) SUBMISSION TO SECRETARY FOR AP-
18 PROVAL.—

19 (A) IN GENERAL.—Not later than the last
20 day of the 3-year period beginning on the date
21 of enactment of this Act, the management enti-
22 ty shall submit the management plan to the
23 Secretary for approval.

24 (B) EFFECT OF FAILURE TO SUBMIT.—If
25 a management plan is not submitted to the Sec-

1 retary by the day referred to in subparagraph
2 (A), the Secretary shall not, after that day, pro-
3 vide any grant or other assistance under this
4 Act with respect to the Heritage Area until a
5 management plan for the Heritage Area is sub-
6 mitted to the Secretary.

7 (c) DUTIES OF MANAGEMENT ENTITY.—The man-
8 agement entity shall—

9 (1) give priority to implementing actions speci-
10 fied in the compact and management plan, including
11 steps to assist units of government and nonprofit or-
12 ganizations in preserving the Heritage Area;

13 (2) assist units of government and nonprofit or-
14 ganizations in—

15 (A) establishing and maintaining interpre-
16 tive exhibits in the Heritage Area;

17 (B) developing recreational resources in
18 the Heritage Area;

19 (C) increasing public awareness of and ap-
20 preciation for the historical, natural, and archi-
21 tectural resources and sites in the Heritage
22 Area; and

23 (D) restoring historic buildings that relate
24 to the purposes of the Heritage Area;

1 (3) encourage economic viability in the Heritage
2 Area consistent with the goals of the management
3 plan;

4 (4) encourage local governments to adopt land
5 use policies consistent with the management of the
6 Heritage Area and the goals of the management
7 plan;

8 (5) assist units of government and nonprofit or-
9 ganizations to ensure that clear, consistent, and en-
10 vironmentally appropriate signs identifying access
11 points and sites of interest are placed throughout
12 the Heritage Area;

13 (6) consider the interests of diverse govern-
14 mental, business, and nonprofit groups within the
15 Heritage Area;

16 (7) conduct public meetings not less often than
17 quarterly concerning the implementation of the man-
18 agement plan;

19 (8) submit substantial amendments (including
20 any increase of more than 20 percent in the cost es-
21 timates for implementation) to the management plan
22 to the Secretary for the Secretary's approval; and

23 (9) for each year in which Federal funds have
24 been received under this Act—

1 (A) submit a report to the Secretary that
2 specifies—

3 (i) the accomplishments of the man-
4 agement entity; *and*

5 (ii) the expenses and income of the
6 management entity; ~~and~~

7 ~~(iii) each entity to which any loan or~~
8 ~~grant was made during the year;~~

9 (B) make available to the Secretary for
10 audit all records relating to the expenditure of
11 such funds and any matching funds; and

12 (C) require, with respect to all agreements
13 authorizing expenditure of Federal funds by
14 other organizations, that the receiving organiza-
15 tions make available to the Secretary for audit
16 all records concerning the expenditure of such
17 funds.

18 (d) USE OF FEDERAL FUNDS.—

19 (1) FUNDS MADE AVAILABLE UNDER THIS
20 ACT.—The management entity shall not use Federal
21 funds received under this Act to acquire real prop-
22 erty or any interest in real property.

23 (2) FUNDS FROM OTHER SOURCES.—Nothing
24 in this Act precludes the management entity from
25 using Federal funds obtained through law other

1 than this Act for any purpose for which the funds
2 are authorized to be used.

3 **SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.**

4 ~~(a) TECHNICAL AND FINANCIAL ASSISTANCE.—~~

5 ~~(1) IN GENERAL.—~~

6 ~~(A) PROVISION OF ASSISTANCE.—~~The Sec-
7 retary may, at the request of the management
8 entity, provide technical and financial assist-
9 ance to the management entity to develop and
10 implement the management plan.

11 ~~(B) PRIORITY IN ASSISTANCE.—~~In assist-
12 ing the management entity, the Secretary shall
13 give priority to actions that assist in—

14 ~~(i) conserving the significant histor-~~
15 ~~ical, cultural, and natural resources that~~
16 ~~support the purposes of the Heritage Area;~~
17 ~~and~~

18 ~~(ii) providing educational, interpretive,~~
19 ~~and recreational opportunities consistent~~
20 ~~with the resources and associated values of~~
21 ~~the Heritage Area.~~

22 ~~(2) EXPENDITURES FOR NON-FEDERALLY~~
23 ~~OWNED PROPERTY.—~~

24 ~~(A) IN GENERAL.—~~To further the pur-
25 poses of this Act, the Secretary may expend

1 Federal funds directly on non-federally owned
2 property, especially for assistance to units of
3 government relating to appropriate treatment of
4 districts, sites, buildings, structures, and ob-
5 jects listed or eligible for listing on the National
6 Register of Historic Places.

7 (B) STUDIES.—The Historic American
8 Buildings Survey/Historic American Engineer-
9 ing Record shall conduct such studies as are
10 necessary to document the industrial, engineer-
11 ing, building, and architectural history of the
12 Heritage Area.

13 (a) TECHNICAL AND FINANCIAL ASSISTANCE.—

14 (1) PROVISION OF ASSISTANCE.—*The Secretary*
15 *may, at the request of the management entity, provide*
16 *technical and financial assistance to the management*
17 *entity to develop and implement the management*
18 *plan.*

19 (2) PRIORITY IN ASSISTANCE.—*In assisting the*
20 *management entity, the Secretary shall give priority*
21 *to actions that assist in—*

22 (A) *conserving the significant historical,*
23 *cultural, and natural resources that support the*
24 *purpose of the Heritage Area; and*

1 (B) *providing educational, interpretive, and*
2 *recreational opportunities consistent with the re-*
3 *sources and associated values of the Heritage*
4 *Area.*

5 (b) APPROVAL AND DISAPPROVAL OF MANAGEMENT
6 PLANS.—

7 (1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Governor of the Commonwealth of
9 Pennsylvania, shall approve or disapprove a manage-
10 ment plan submitted under this Act not later than
11 90 days after receipt of the management plan.

12 (2) ACTION FOLLOWING DISAPPROVAL.—

13 (A) IN GENERAL.—If the Secretary dis-
14 approves a management plan, the Secretary
15 shall advise the management entity in writing
16 of the reasons for the disapproval and shall
17 make recommendations for revisions to the
18 management plan.

19 (B) DEADLINE FOR APPROVAL OF REVI-
20 SION.—The Secretary shall approve or dis-
21 approve a proposed revision within 90 days
22 after the date on which the revision is sub-
23 mitted to the Secretary.

24 (c) APPROVAL OF AMENDMENTS.—

1 (1) REVIEW.—The Secretary shall review sub-
2 stantial amendments (as determined under section
3 6(c)(8)) to the management plan for the Heritage
4 Area.

5 (2) REQUIREMENT OF APPROVAL.—Funds
6 made available under this Act shall not be expended
7 to implement the amendments described in para-
8 graph (1) until the Secretary approves the amend-
9 ments.

10 **SEC. 8. SUNSET PROVISION.**

11 The Secretary shall not provide any grant or other
12 assistance under this Act after September 30, 2012.

13 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated to carry out this Act \$10,000,000, except that not
16 more than \$1,000,000 may be appropriated to carry out
17 this Act for any fiscal year.

18 (b) 50 PERCENT MATCH.—The Federal share of the
19 cost of activities carried out using any assistance or grant
20 under this Act shall not exceed 50 percent.

 Amend the title so as to read: “To establish the
Lackawanna Valley National Heritage Area and for other
purposes.”

Calendar No. 319

106TH CONGRESS
1ST SESSION

S. 905

[Report No. 106-185]

A BILL

To establish the Lackawanna Valley American
Heritage Area.

OCTOBER 14, 1999

Reported with amendments and an amendment to the
title