

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 944

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

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IN THE SENATE OF THE UNITED STATES

JUNE 20 (legislative day, JUNE 19), 1995

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. COATS) 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 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 1995”.

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

7 (a) FINDINGS AND DECLARATIONS.—Congress finds  
8 and declares that—

9 (1) the amenities and resources of the Ohio  
10 River, which flows through 6 States from its head-

1 waters in the Commonwealth of Pennsylvania to its  
2 confluence with the Mississippi River and comprises  
3 a chain of commercial, industrial, historical, archae-  
4 ological, natural, recreational, scenic, wildlife, urban,  
5 rural, cultural, and economic areas, are of major sig-  
6 nificance and importance to the United States;

7 (2) the national interest is served by—

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

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

13 (3) the preservation, protection, and improve-  
14 ment of those amenities and resources are failing to  
15 be fully realized despite efforts by the States  
16 through which the Ohio River flows, political sub-  
17 divisions of those States, and volunteer associations  
18 and private businesses in those States;

19 (4) Federal agency programs are offering insuf-  
20 ficient coordination to State and local planning and  
21 regulatory authorities to provide for resource man-  
22 agement and economic development in a manner  
23 that is consistent with the protection and public use  
24 of the Ohio River Corridor's amenities and re-  
25 sources; 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 to—

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

9           (2) provide a means and a 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) establish a national entity to gather, assess,  
14 and disseminate information on the historic, eco-  
15 nomic, natural, recreational, scenic, and cultural op-  
16 portunities in the Ohio River Corridor.

17 **SEC. 3. DEFINITIONS.**

18           In this Act:

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

22           (2) OHIO RIVER CORRIDOR.—The term “Ohio  
23 River Corridor” means the Ohio River from Pitts-  
24 burgh, Pennsylvania, to Cairo, Illinois, and the coun-

1 ties through which or adjacent to which the Ohio  
2 River flows.

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

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

8 There is established a commission to be known as the  
9 “Ohio River Corridor Study Commission”.

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

11 (a) STUDY.—The Commission shall study and make  
12 recommendations regarding—

13 (1) the feasibility of establishing an Ohio River  
14 National Heritage Corridor for the Ohio River Cor-  
15 ridor; and

16 (2) the preservation, protection, improvement,  
17 enjoyment, and utilization of the historic, economic,  
18 natural, recreational, scenic, and cultural resources  
19 of the Ohio River Corridor consistent with the pur-  
20 poses of this Act.

21 (b) INFORMATION COLLECTION; CONSULTATION.—  
22 As part of the study conducted under subsection (a), the  
23 Commission shall—

24 (1) assess the preservation, protection, improve-  
25 ment, enjoyment, and utilization potential of the his-

1       toric, economic, natural, recreational, scenic, and  
2       cultural resources of the Ohio River Corridor;

3           (2) collect information dealing with continuing  
4       activities, management plans, and opportunities re-  
5       garding the historic, economic, natural, recreational,  
6       scenic, and cultural resources of the Ohio River Cor-  
7       ridor;

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

16          (4) consult with the Ohio River Valley Water  
17      Sanitation Commission and the Ohio River Basin  
18      Commission, and cooperate with the commissions in  
19      the performance of its duties;

20          (5) provide a forum for the consideration of re-  
21      source issues relating to the Ohio River Corridor;

22          (6) seek and encourage the participation of af-  
23      fected State and local governments, interested citi-  
24      zens, public officials, groups, agencies, educational  
25      institutions, and others in the preservation, protec-

1       tion, improvement, enjoyment, and utilization of the  
2       Ohio River Corridor's resources;

3               (7) recommend means for educating the general  
4       population about the national importance and value  
5       of the Ohio River as a natural resource and national  
6       treasure; and

7               (8) hold at least 1 well-publicized public hearing  
8       in each Ohio River State.

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

11              (1) describing 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 establish-  
17      ment of a national heritage corridor is rec-  
18      ommended) showing the corridor and such  
19      zones as may be appropriate;

20                  (B) an inventory and assessment of the  
21      historic, economic, natural, recreational, scenic,  
22      and cultural resources of the Ohio River Cor-  
23      ridor;

24                  (C) specific preservation and interpretation  
25      goals;

1 (D) proposed management strategies by  
2 which the funds, data, personnel, and authori-  
3 ties of public and private entities may be com-  
4 bined and coordinated in furtherance of the  
5 purposes of this Act; and

6 (E) such recommendations as the Commis-  
7 sion may consider appropriate with respect to  
8 the matters addressed in subparagraphs (A)  
9 through (D) and with respect to public access  
10 to and interpretation of the natural and cul-  
11 tural resources of the Ohio River and related  
12 outdoor recreation opportunities.

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

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

16 (1) The Director of the National Park Service  
17 (or designee).

18 (2) The Secretary of Transportation (or des-  
19 ignee).

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

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

23 (5) The Chief of Engineers of the Army Corps  
24 of Engineers (or designee).

1           (6) One member from each Ohio River State  
2 appointed by the Governor of the State.

3           (b) TERMS.—A member of the Commission shall be  
4 appointed for the duration of the Commission.

5           (c) PAY.—A member of the Commission shall serve  
6 without pay.

7           (d) REIMBURSEMENT OF EXPENSES.—While away  
8 from the home or regular place of business of a member  
9 of the Commission in the performance of services for the  
10 Commission, the member of the Commission shall be al-  
11 lowed travel expenses, including a per diem allowance in  
12 lieu of subsistence, in the same manner as a person em-  
13 ployed intermittently in Government service is allowed  
14 travel expenses under section 5703 of title 5, United  
15 States Code.

16           (e) QUORUM.—

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

20           (2) PROXY VOTING.—A member of the Commis-  
21 sion may vote by means of a signed proxy exercised  
22 by another member of the Commission, but any  
23 member so voting shall not be considered to be  
24 present for purposes of establishing a quorum.



1 (f) CHAIRPERSON.—The members of the Commission  
2 shall elect a chairperson of the Commission from among  
3 the members appointed under subsection (a)(6).

4 (g) MEETINGS.—

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

8 (2) FIRST MEETING.—The Director of the Na-  
9 tional Park Service shall select the date of the first  
10 meeting (which date shall be not later than 30 days  
11 after the members of the Commission are first ap-  
12 pointed) and shall serve as chairperson until the  
13 election of the chairperson under subsection (f).

14 (h) TECHNICAL COMMITTEE.—The Commission may  
15 appoint a technical committee with representation from  
16 the various interest groups, professional agencies, or advo-  
17 cacy groups within the Ohio River States with each State  
18 having at least 1 member.

19 (i) WAIVER.—Section 14(b) of the Federal Advisory  
20 Committee Act (5 U.S.C. App.) shall not apply to the  
21 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.—If National Park Service personnel are  
7 not available, the Commission, with the advice of the Di-  
8 rector of the National Park Service, may appoint and fix  
9 the pay of such staff as the Commission considers appro-  
10 priate, 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 that title relating to classifica-  
16 tion and General Schedule pay rates.

17 (c) EXPERTS AND CONSULTANTS.—The Commission,  
18 with the advice of the Director of the National Park Serv-  
19 ice (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 of an Ohio River State; and

1           (2) reimburse the State or subdivision for such  
2           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, the  
6           head of any Federal agency may detail, on a reimbursable  
7           basis, any of the personnel of the agency to the Commis-  
8           sion to assist the Commission in carrying out its duties  
9           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 authorized by the  
18           Commission, take any action that the Commission is au-  
19           thorized 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 Services 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 re-  
16 quired 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).

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

23 Congress consents to the negotiation by an Ohio  
24 River State with 1 or more of other Ohio River States

1 of proposed interstate agreements or compacts among the  
2 States in furtherance of the purposes of this Act.

3 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

4       There is authorized to be appropriated to carry out  
5 this Act \$500,000, to remain available until expended.

