

LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF
1999

AUGUST 3, 1999.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 940]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 940) to establish the Lackawanna Heritage Valley American Heritage Area, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lackawanna Valley National Heritage Area Act of 1999”.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The industrial and cultural heritage of northeastern Pennsylvania inclusive of Lackawanna, Luzerne, Wayne, and Susquehanna counties, related directly to anthracite and anthracite-related industries, is nationally significant, as documented in the United States Department of the Interior-National Parks Service, National Register of Historic Places, Multiple Property Documentation submittal of the Pennsylvania Historic and Museum Commission (1996).

(2) These industries include anthracite mining, ironmaking, textiles, and rail transportation.

(3) The industrial and cultural heritage of the anthracite and related industries in this region includes the social history and living cultural traditions of the people of the region.

(4) The labor movement of the region played a significant role in the development of the Nation including the formation of many key unions such as the United Mine Workers of America, and crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes.

(5) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources, and there are significant examples of these resources within this 4-county region to merit the involvement of the Federal Government to develop programs and projects, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(6) The Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region.

(b) **PURPOSE.**—The objectives of the Lackawanna Valley National Heritage Area are as follows:

(1) To foster a close working relationship with all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and empower the communities to conserve their heritage while continuing to pursue economic opportunities.

(2) To conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region of northeastern Pennsylvania.

SEC. 3. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.

(a) **ESTABLISHMENT.**—There is hereby established the Lackawanna Valley National Heritage Area (in this Act referred to as the “Heritage Area”).

(b) **BOUNDARIES.**—The Heritage Area shall be comprised of all or parts of the counties of Lackawanna, Luzerne, Wayne, and Susquehanna in Pennsylvania, determined pursuant to the compact under section 4.

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

SEC. 4. COMPACT.

To carry out the purposes of this Act, the Secretary of the Interior (in this Act referred to as the “Secretary”) shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the area, including each of the following:

(1) A delineation of the boundaries of the Heritage Area.

(2) A discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) **AUTHORITIES OF THE MANAGEMENT ENTITY.**—The management entity may, for purposes of preparing and implementing the management plan developed under subsection (b), use funds made available through this Act for the following:

(1) To make grants to, and enter into cooperative agreements with States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(3) To enter into contracts for goods and services.

(b) **MANAGEMENT PLAN.**—The management entity shall develop a management plan for the Heritage Area that presents recommendations for the Heritage Area's conservation, funding, management, and development. Such plan shall take into consideration existing State, county, and local plans and involve residents, public agencies, and private organizations working in the Heritage Area. It shall include recommendations for actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area. It shall specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area. Such plan shall include, as appropriate, the following:

(1) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance.

(2) A recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including, but not limited to, the development of intergovernmental cooperative agreements to protect the Heritage Area's historical, cultural, recreational, and natural resources in a manner consistent with supporting appropriate and compatible economic viability.

(3) A program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation.

(4) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(5) An interpretation plan for the Heritage Area.

The management entity shall submit the management plan to the Secretary for approval within 3 years after the date of enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations in establishing and maintaining interpretive exhibits in the Heritage Area; assist units of government, regional planning organizations, and nonprofit organizations in developing recreational resources in the Heritage Area;

(3) assist units of government, regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area; assist units of government, regional planning organizations and nonprofit organizations in the restoration of any historic building relating to the themes of the Heritage Area;

(4) encourage economic viability in the Heritage Area consistent with the goals of the plan; encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the plan;

(5) assist units of government, regional planning organizations, and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings at least quarterly regarding the implementation of the management plan; and

(8) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, and cultural resources which support its themes; and

(2) providing educational, interpretive, and recreational opportunities consistent with its resources and associated values.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receiving such management plan.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions in the plan.

The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) **APPROVING AMENDMENTS.**—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

SEC. 7. ADDITIONAL ANTHRACITE COAL REGION DESIGNATION.

(a) **DESIGNATION.**—Upon publication by the Secretary in the Federal Register of notice that the Secretary has signed a compact (as provided for in subsection (b)) there is hereby designated the Schuylkill River National Heritage Area.

(b) **COMPACT.**—The compact submitted under this section with respect to the Schuylkill River National Heritage Area shall consist of an agreement between the Secretary and the Schuylkill River Greenway Association (who shall serve as the management entity for the area). Such agreement shall define the area (including a delineation of the boundaries), describe anticipated programs for the area, and include information relating to the objectives and management of the area. Such information shall include, but not be limited to, an explanation of the proposed approach to the conservation and interpretation of the area and a general outline of the protection measures committed to by the partners.

(c) **AUTHORITIES AND DUTIES.**—The authorities and duties of the management entity and other Federal agencies for the Schuylkill River National Heritage Area shall be the same as provided for by sections 5 and 6 of this Act, except that for such purposes any reference in such sections to the “Heritage Area” shall be deemed to be a reference to the Schuylkill River National Heritage Area and any reference to the “management entity” shall be deemed a reference to the Schuylkill River Greenway Association.

SEC. 8. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

All authorized existing and future heritage area management entities in the Anthracite Coal Region in Pennsylvania are authorized and directed to coordinate with one another in the management of such areas. Each such management entity is authorized to use funds appropriated for such heritage areas for the purposes of this section.

SEC. 9. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2012.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated under this Act not more than \$1,000,000 for any fiscal year for each heritage area designated by this Act. Not more than a total of \$10,000,000 may be appropriated for each heritage area under this Act.

(b) **50 PERCENT MATCH.**—Federal funding provided under this Act, after the designation of each heritage area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

Amend the title so as to read:

A bill to designate the Lackawanna Valley National Heritage Area and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 940 is establish the Lackawanna Heritage Valley American Heritage Area.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 940 establishes the Lackawanna Heritage Valley American Heritage Area in the State of Pennsylvania. The proposed Heritage Area would cover a four-county region in northeastern Pennsylvania, including Lackawanna, Luzerne, Wayne, and Susquehanna counties. The Lackawanna Valley was the first heritage area designated by the Commonwealth of Pennsylvania, and is a nationally significant historic area. The Valley’s current mix of ethnicity, its combination of dense urban areas and isolated settlements, and the

remains of coal mines surrounded by countryside are characteristic of our legacy from the industrial revolution. This area also played a significant role in the formation and development of the organized union movement, such as the United Mine Workers, in the early part of this century.

H.R. 940 would establish the Lackawanna Heritage Valley Authority as the management entity responsible for developing and then implementing a management plan for the Heritage Area. The management plan must be submitted within three years after the enactment of this Act to the Secretary of the Interior and present recommendations for conservation, funding, management, and development. It shall also include recommendations to be undertaken by units of government and private organizations to protect and interpret the historical, natural, cultural, and recreational resources of the area. The Secretary, in consultation with the Governor of Pennsylvania, shall approve or disapprove the plan within 90 days.

During Committee consideration of H.R. 940, an amendment was adopted which designated the Schuylkill River National Heritage Area in Pennsylvania.

H.R. 940 authorizes the appropriation of not more than \$1,000,000 for any fiscal year per heritage area designated by the bill, and not more than \$10,000,000 total may be appropriated for each heritage area authorized by H.R. 940. The management entities may not use federal funds to acquire real property or interest in real property. Also, federal funding may not exceed 50 percent of the total cost of any assistance or grant provided for under H.R. 940.

COMMITTEE ACTION

H.R. 940 was introduced on March 2, 1999, by Congressman Don Sherwood (R-PA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks and Public Lands. On June 10, 1999, the Subcommittee held a hearing on the bill, where the National Park Service testified in support of the bill with minor amendments. On July 15, 1999, the Subcommittee met to consider the bill. An amendment in the nature of a substitute was offered by Congressman Sherwood which changed the name to the "Lackawanna Valley National Heritage Area", eliminated the loan provisions, and provided for the coordination of other existing and future heritage areas with the Lackawanna Valley National Heritage Area. The amendment was adopted by voice vote and the bill, as amended, was ordered favorably reported to the Full Committee by voice vote. On July 21, 1999, the Full Resources Committee met to consider the bill. Congressman Sherwood offered an amendment which deleted a special studies provision. It was adopted by voice vote. Congressman George Miller (D-CA) offered an amendment which designated the Schuylkill River National Heritage Area after the Secretary of the Interior signs a compact with the authorized management entity, the Schuylkill River Greenway Association. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. *Cost of Legislation.*—Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. *Congressional Budget Act.*—As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. *Government Reform Oversight Findings.*—Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. *Congressional Budget Office Cost Estimate.*—Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 2, 1999.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 940, the Lackawanna Valley National Heritage Area Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 940—Lackawanna Valley National Heritage Area Act of 1999

H.R. 940 would establish the Lackawanna Valley National Heritage Area and (pending execution of an agreement with a local authority) the Schuylkill River National Heritage Area in Pennsylvania. The bill would direct the National Park Service (NPS) to execute agreements with two local associations that would serve as management entities for the new areas. Those two entities would develop management plans for the heritage areas, which would include an inventory of resources and recommendations for financing, managing, and protecting each area and its resources. The NPS would provide technical and financial assistance to the management entities and approve or disapprove the management plans. The NPS's authority for assisting the management entities would expire after September 30, 2012. Finally, the bill would authorize the appropriation of \$1 million annually for each heritage area, but would cap the total authorization for each area at \$10 million.

Assuming appropriation of the authorized amounts, CBO estimates that the NPS would provide each of the two heritage areas with \$1 million for each of fiscal years 2000 through 2009, for a total cost of \$20 million. (That total could be spread over a period of up to 13 years.) Such amounts would be used to cover a portion of the costs of establishing, operating, and interpreting the two heritage areas.

Implementing H.R. 940 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). H.R. 940 would impose new intergovernmental mandates on the Lackawanna Heritage Valley Authority, a public entity. The bill would require the authority to develop a management plan for the Lackawanna Valley National Heritage Area and to undertake certain activities to assist local governments and other organizations. These requirements would be intergovernmental mandates as defined in UMRA. Based on information provided by the authority, however, CBO estimates that the costs imposed by these mandates would be far below the threshold established by that act (\$50 million in 1996, adjusted annually for inflation). Further, the bill would authorize appropriations to cover up to 50 percent of total spending for these activities. H.R. 940 would impose no costs on other state, local, or tribal governments.

The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact). This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt State, local, or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

