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1st Session }

SENATE

{ REPORT
104-42

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR AMENDMENTS ACT OF 1995

APRIL 7 (legislative day, APRIL 5), 1995.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 601]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 601) to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purposes, of S. 601, as ordered reported, are to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and to extend the term of the Blackstone River Valley Corridor Commission for an additional 10 years.

BACKGROUND AND NEED

The Blackstone River Valley National Heritage Corridor (the “corridor”), an affiliated area of the National Park System, is comprised of non-Federal properties located in the States of Massachusetts and Rhode Island. The corridor was established by Public Law 99-647 in 1986 to interpret the area’s history and to facilitate the development of local partnerships for the management and preservation of the corridor’s historic resources. Over 100 partnerships are in place with State and local governments, Federal agencies, non-profit groups, and educational institutions to manage and interpret the corridor.

Known as the birthplace of the American Industrial Revolution, the Blackstone River Valley contains mills and riverways which contributed to the development of a successful waterpower system. The first water-powered factory, Slater Mill, was built on the banks of the Blackstone River. The Blackstone River Valley also contains mill villages, historic buildings, the Blackstone Canal—a recreational canal, and other significant natural and historic resources.

S. 601 would amend Public Law 99–647 to make several modifications. It would add approximately 150,000 acres to the Blackstone River Valley National Heritage Corridor, thereby including a portion of the town of Worcester and all of the town of Leicester in Massachusetts, as well as all of the towns of Burrillville, Glocester, and Smithfield in Rhode Island. The bill would extend the term of the Blackstone River Valley Corridor Commission (the “commission”) by an additional 10 years. Finally, the bill would increase the authorization for appropriations, require matching funds, and increase the commission’s annual authorization from \$350,000 to \$650,000.

LEGISLATIVE HISTORY

S. 601 was introduced by Senators Chafee, Kennedy, Kerry, and Pell, on March 23, 1995, and subsequently referred to the Senate Committee on Energy and Natural Resources.

Similar legislation, S. 1222, was introduced by Senator Kennedy and others during the 103d Congress. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1222 on August 2, 1994. At the business meeting on September 21, 1994, the Committee on Energy and Natural Resources ordered S. 1222 favorably reported.

At the business meeting on March 29, 1995, the Committee on Energy and Natural Resources ordered S. 601 favorably reported, without amendment.

COMMITTEE RECOMMENDATIONS AND TABULATIONS OF VOTES

The Committee on Energy and Natural Resources, in open business session on March 29, 1995, by a unanimous vote of a quorum present, recommends that the Senate pass S. 601, without amendment.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Murkowski	
Mr. Hatfield ¹	
Mr. Domenici	
Mr. Nickles ¹	
Mr. Craig	
Mr. Campbell ¹	
Mr. Thomas ¹	
Mr. Kyl ¹	
Mr. Grams	
Mr. Jeffords ¹	
Mr. Burns ¹	

Mr. Johnston
 Mr. Bumpers
 Mr. Ford
 Mr. Bradley
 Mr. Bingaman
 Mr. Akaka
 Mr. Wellstone ¹
 Mr. Heflin ¹
 Mr. Dorgan

¹ Indicates voted by proxy.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the bill the “Blackstone River Valley National Heritage Corridor Amendments Act of 1995.”

Section 2 amends section 2 of the 1986 Act establishing the Blackstone River Valley National Heritage Corridor (the “corridor”) in Massachusetts and Rhode Island (Public Law 99–647; 16 U.S.C. 461 note) to include within the corridor the area depicted on a map dated May 2, 1993.

Section 3 amends section 3(c) of the 1986 Act to allow a member of the Blackstone River Valley National Heritage Corridor Commission (the “commission”) to serve after the expiration of his or her term until a successor has been appointed.

Section 4 adds a new subsection (d) to section 6 of the 1986 Act.

Paragraph (d)(1) directs the commission to revise the Cultural Heritage and Land Management Plan (the “plan”) for the corridor to reflect the boundary change made in section 2, and to include an inventory of natural resource areas or features that should be managed by the Secretary of the Interior (the “Secretary”) through the commission because of their contribution to the understanding of national cultural landscape values.

Paragraph (d)(2) states that no changes other than minor revisions may be made in the approved plan as amended, and that the Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b) of the 1986 Act.

Section 5 replaces section 7 of the 1986 Act.

Subsection (a) states that the commission shall terminate 10 years following the date of enactment of Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

Subsection (b) provides that the commission may be extended for an additional term of 10 years if the Commission determines that an extension is necessary to carry out the purposes of this Act, submits a proposed extension to the appropriate Committees of the Senate and the House of Representatives, the Secretary and the Governors of Massachusetts and Rhode Island approve the extension.

Subsection (c) directs the Secretary to approve an extension of the commission if the Secretary finds that the Governors of Massachusetts and Rhode Island provide adequate assurances of continued tangible contribution and effective policy support toward achieving the purposes of the Act, and that the commission is effectively assisting Federal, State, and local authorities to retain, en-

hance, and interpret the distinctive character and nationally significant resources of the corridor.

Section 6 adds a new section 8(c) to the 1986 Act.

Paragraph (c)(1) authorizes the Secretary to provide funds for projects in the corridor that exhibit national significance or provide a variety of historic, recreational, or environmental education opportunities.

Paragraph (c)(2) requires that, to be eligible for funds under this section, the commission shall submit an application to the Secretary that includes a 10-year development plan, and specific descriptions of annual work programs, parties, roles, cost estimates cost-sharing, or cooperative agreements necessary to carry out the development plan.

Paragraph (c)(3) states that funds made available pursuant to this section shall not exceed half of the total cost of the work programs.

Paragraph (c)(4) directs the Secretary to give priority to projects that attract greater non-Federal funding sources.

Paragraph (c)(5) provides that expenditures for real property shall be subject to an agreement either to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission of the State in which the property is located. Conversion, use, or disposal of resources for purposes contrary to the intent to this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds, or the proportion of the increased value of the resources attributable to such funds as determined at the time of the conversion, use, or disposal, whichever is greater.

Paragraph (c)(6) states that the authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act shall be at the discretion of the Secretary.

Section 7 provides that local authority and private property shall not be affected by activities of the Commission.

Section 8 amends section 10 of the 1986 Act to increase the annual appropriation ceiling to \$650,000, and adds a new subsection authorizing a total appropriation of \$5 million for fiscal years 1996, and 1997, and 1998.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 6, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 601, the Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

Enactment of S. 601 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 601.

2. Bill title: The Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on March 29, 1995.

4. Bill purpose: S. 601 would expand the Blackstone River Valley National Heritage Corridor by about 150,000 acres. The bill also would extend the life of the Blackstone River Valley National Heritage Corridor Commission for an additional eight years. Section 8 of the bill would authorize the appropriation of a total of \$5 million over fiscal years 1996 through 1998 for projects within the corridor and would increase the annual authorization for commission operations from \$350,000 to \$650,000.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	2000
Project spending under current law:						
Authorization level ¹	1.10	0.35	0.35			
Estimate outlays	1.10	0.35	0.35			
Proposed changes:						
Authorization level		5.30	0.30	0.65	0.65	0.65
Estimate outlays		5.30	0.30	0.65	0.65	0.65
Projected spending under S. 601:						
Authorization level ¹	1.10	5.65	5.65	0.65	0.65	0.65
Estimate outlays	1.10	5.65	5.65	0.65	0.65	0.65

¹ The figure for 1995 is the amount already appropriated and includes \$0.35 million for commission expenses and \$0.75 million for corridor projects.

The costs of this bill fall within budget function 300.

6. Basis of estimate: For purpose of this estimate, CBO has assumed that S. 601 would be enacted late in fiscal year 1995 and that the full amounts authorized would be appropriated for each fiscal year beginning in 1996. For fiscal year 1996, the gross authorization level is equal to the entire \$5 million authorized for appropriation over the 1996–1998 period plus the \$0.65 million authorized for commission expenses. Under current law, \$0.35 million is authorized for commission expenses for each year until the commission expires, sometime in fiscal year 1997. Outlays have been estimated on the basis of historical spending patterns for this activity.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Deborah Reis.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 601. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 601, as ordered reported.

EXECUTIVE COMMUNICATIONS

On March 24, 1995, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 601. These reports had not been received at the time the report on S. 601 was filed. When these reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 601, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

[Public Law 99-647—99th Congress]

An ACT To establish the Blackstone River Valley National Heritage Corridor in
Massachusetts and Rhode Island

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

* * * * *

BOUNDARIES AND ADMINISTRATION

SEC. 2. (a) BOUNDARIES.—[The boundaries shall include those lands generally depicted on a map entitled Blackstone River Valley National Heritage Corridor, numbered BRV-80-80,000 and dated October 1986.] *The boundaries shall include the lands and water generally depicted on the map entitled Blackstone River Valley National Heritage Corridor Boundary Map, numbered BRV-80-80,011, and dated May 2, 1993.* The map shall be on file and available for public inspection in the office of the Department of the Interior in Washington, DC and the Massachusetts and Rhode Island Departments of Environmental Management. The Secretary of the Interior (hereinafter referred to as the “Secretary”) shall publish in the Federal Register, as soon as practical after the date of enact-

ment of this Act a detailed description and map of the boundaries established under this subsection.

* * * * *

BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION

SEC. 3. (a) * * *

* * * * *

(c) TERMS.—Members of the Commission shall be appointed for terms of three years, *but may continue to serve after the expiration of this term until a successor has been appointed.*

* * * * *

POWERS OF COMMISSION

SEC. 5. (a) * * *

* * * * *

(j) *LOCAL AUTHORITY AND PRIVATE PROPERTY NOT AFFECTED.—Nothing in this Act shall be construed to affect or to authorize the Commission to interfere with—*

(1) *the rights of any person with respect to private property;*
or

(2) *any local zoning ordinance or land use plan of the Commonwealth of Massachusetts or a political subdivision of such Commonwealth.*

* * * * *

DUTIES OF THE COMMISSION

SEC. 6. (a) * * *

* * * * *

(d) *REVISION OF PLAN.—(1) Not later than 1 year after the date of enactment of this subsection, the Commission, with the approval of the Secretary, shall revise the Cultural Heritage and Land Management Plan. The revision shall address the boundary change and shall include a natural resource inventory of areas or features that should be protected, restored, managed, or acquired because of their contribution to the understanding of national cultural landscape values.*

(2) *No changes other than minor revisions may be made in the approved plan as amended without the approval of the Secretary. The Secretary shall approve or disapprove any proposed change in the plan, except minor revisions, in accordance with subsection (b).*

TERMINATION OF COMMISSION

【SEC. 7. (a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring five years after the date of the enactment of this Act.

【(b) EXTENSION.—The Commission may be extended for a period of not more than five years beginning on the day referred to in subsection (a) if, not later than one hundred and eighty days before such day—

【(1) the Commission determines such extension is necessary in order to carry out the purpose of this Act;

【(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate; and

【(3) the Governor of Massachusetts, the Governor of Rhode Island, and the Secretary each approve such extension.】

TERMINATION OF COMMISSION

SEC. 7. (a) *TERMINATION.*—Except as provided in subsection (b), the Commission shall terminate on the date that is 10 years after the date of enactment of the Blackstone River Valley National Heritage Corridor Amendments Act of 1995.

(b) *EXTENSION.*—The Commission may be extended for an additional term of 10 years if—

(1) not later than 180 days before the termination of the Commission, the Commission determines that an extension is necessary to carry out this Act;

(2) the Commission submits a proposed extension to the appropriate committees of the Senate and the House of Representatives; and

(3) the Secretary, the Governor of Massachusetts, and the Governor of Rhode Island each approve the extension.

(c) *DETERMINATION OF APPROVAL.*—The Secretary shall approve the extension if the Secretary finds that—

(1) the Governor of Massachusetts and the Governor of Rhode Island provide adequate assurances of continued tangible contribution and effective policy support toward achieving the purposes of this Act; and

(2) the Commission is effectively assisting Federal, State, and local authorities to retain, enhance, and interpret the distinctive character and nationally significant resources of the Corridor.

DUTIES OF THE SECRETARY

SEC. 8. (a) * * *

* * * * *

(c) *IMPLEMENTATION.*—(1) to assist in the implementation of the Cultural Heritage and Land Management Plan in a manner consistent with purposes of this Act, the Secretary is authorized to undertake a limited program of financial assistance for the purpose of providing funds for the preservation and restoration of structures on or eligible for inclusion on the National Register of Historic Places within the corridor which exhibit national significance or provide a wide spectrum of historic, recreational, or environmental education opportunities to the general public.

(2) to be eligible for funds under this section, the Commission shall submit an application to the Secretary that includes—

(A) a 10-year development plan including those resource protection needs and projects critical to maintaining or interpreting the distinctive character of the Corridor; and

(B) specific descriptions of annual work programs that have been assembled, the participating parties, roles, cost estimates,

cost-sharing, or cooperative agreements necessary to carry out the development plan.

(3) Funds made available pursuant to this subsection shall not exceed 50 percent of the total cost of the work programs.

(4) In making the funds available, the Secretary shall give priority to projects that attract greater non-Federal funding sources.

(5) Any payment made for the purposes of conservation or restoration of real property or structures shall be subject to an agreement either—

(A) to convey a conservation or preservation easement to the Department of Environmental Management or to the Historic Preservation Commission, as appropriate, of the State in which the real property or structure is located; or

(B) that conversion, use, or disposal of the resources so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States for reimbursement of all funds expended upon such resources or the proportion of the increased value of the resources attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(6) The authority to determine that a conversion, use, or disposal of resources has been carried out contrary to the purposes of this Act in violation of an agreement entered into under paragraph (5)(A) shall be solely at the discretion of the Secretary.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There is authorized to be appropriated annually to the Commission. ~~【\$350,000】~~ \$650,000 for each year in which the Commission is in existence to carry out the purposes of this Act; except that the Federal contribution to the Commission shall not exceed 50 percent of the annual operating costs of the Commission.

【(b) DEMONSTRATION FUNDS.—There are authorized to be appropriated to carry out the provisions of section 8(c), \$1,000,000 annually for fiscal years 1991, 1992, and 1993, to remain available until expended.**】**

(b) DEVELOPMENT FUNDS.—For fiscal years 1996, 1997, and 1998, there is authorized to be appropriated to carry out section 8(c), \$5,000,000 in the aggregate.