

United States by Americans and immigrants and to the prevention of colonization of the West Coast by Russia and the British Empire. More than 300,000 settlers traveled the California Trail and many documented their amazing experiences in detailed journals. In Nevada, Elko County alone contains over 435 miles of National Historic Trails.

Mr. Speaker, recognition and interpretation of the pioneer experience on the Trail is appropriate in light of Americans' strong interest in understanding our national and cultural heritage.

This act authorizes the planning, construction, and operation of a visitor center. The cooperative parties include the State of Nevada, the Advisory Board for the National Historic California Emigrant Trails Interpretive Center, Elko County and the City of Elko, and the Bureau of Land Management, just to name a few.

This interpretive center will be located near the city of Elko in the northeastern part of Nevada. The location is the junction of the California Trail and the Hastings Cutoff.

Mr. Speaker, the ill-fated Reed-Donner party spent an additional 31 days meandering over the so-called Hastings Cutoff route; precious time wasted that kept them from crossing the Sierra Nevada before the deadly winter of 1846 struck, taking most of their lives.

This act will recognize the California Trail, including the Hastings Cutoff, for its national historical and cultural significance through the construction of an interpretive facility devoted to the vital role of pioneer trails in the West in the development of the United States. I would ask the House to support this bill and pass Senate bill 2749.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2749, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5375) to establish the Erie Canalway National Heritage Corridor

in the State of New York, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5375

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Erie Canalway National Heritage Corridor Act".

(b) DEFINITIONS.—For the purposes of this Act, the following definitions shall apply:

(1) ERIE CANALWAY.—The term "Erie Canalway" means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term "Canalway Plan" means the comprehensive preservation and management plan for the Corridor required under section 6.

(3) COMMISSION.—The term "Commission" means the Erie Canalway National Heritage Corridor Commission established under section 4.

(4) CORRIDOR.—The term "Corridor" means the Erie Canalway National Heritage Corridor established under section 3.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation, and recreational purposes, establishing the network which made New York the "Empire State" and the Nation's premier commercial and financial center.

(2) The canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance.

(3) The Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York, and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country.

(4) The construction of the Erie Canalway was considered a supreme engineering feat and most American canals were modeled after New York State's canal.

(5) At the time of construction, the Erie Canalway was the largest public works project ever undertaken by a State, resulting in the creation of critical transportation and commercial routes to transport passengers and goods.

(6) The Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries.

(7) The Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art.

(8) There is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources.

(9) Partnerships among Federal, State, and local governments and their regional entities, nonprofit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To designate the Erie Canalway National Heritage Corridor.

(2) To provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations.

(3) To promote and provide access to the Erie Canalway's historical, natural, cultural, scenic, and recreational resources.

(4) To provide a framework to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway.

(5) To authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the Nation.

SEC. 3. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this Act, there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on the map entitled "Erie Canalway National Heritage Area" numbered ERIE/80,000 and dated October 2000. This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—Nothing in this Act shall be construed to alter the ownership, operation, or management of the New York State Canal System.

SEC. 4. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Erie Canalway National Heritage Corridor Commission. The purposes of the Commission are as follows:

(1) To work with Federal, State, and local authorities to develop and implement the Canalway Plan.

(2) To foster the integration of canal-related historical, cultural, recreational, scenic, economic, and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary, as an ex-officio member, or the Secretary's designee.

(2) 7 members or designees, each of whom represents 1 of the following or their successors:

(A) The New York State Secretary of State.

(B) The Commissioners of the following:

(i) The New York State Department of Environmental Conservation.

(ii) The New York State Office of Parks, Recreation and Historic Preservation.

(iii) The New York State Department of Agriculture and Markets.

(iv) The New York State Department of Transportation.

(C) The Chairperson of the New York State Canal Corporation.

(D) The Chairperson of the Empire State Development Corporation.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Governor no later than 6 months after the date of enactment of this Act as follows:

(A) One member from each of the United States Congressional districts which are part of the Corridor. The appointment for each district shall be based on recommendations from the member of the United States House of Representatives for that district. Each person appointed to the Commission under this subparagraph shall be a resident of the district from which they shall be recommended.

(B) 2 members based on recommendations from each United States Senator from New York State.

(C) The remainder of the 19 members shall be residents of any county in which the Corridor is located. One such member shall be a member of the Canal Recreationway Commission other than an ex-officio member.

(c) APPOINTMENTS AND VACANCIES.—Except for original appointment, members of the Commission, other than ex-officio members, shall be appointed for terms of 3 years. Of the original appointments, 6 shall be for a term of 1 year, 6 shall be for a term of 2 years, and 7 shall be for a term of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed under section 5703 of title 5, United States Code.

(e) ELECTION OF OFFICERS.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) QUORUM AND VOTING.—14 members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission; however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) MEETINGS.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meetings shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) POWERS OF THE COMMISSION.—To the extent that Federal funds are appropriated under section 10(a), the Commission is authorized to do the following:

(1) Procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission.

(2) Request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services.

(3) Request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services.

(4) Appoint and fix the compensation of staff to carry out its duties.

(5) Enter into cooperative agreements with Federal agencies, the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission.

(6) Make grants to assist in the preparation and implementation of the Canalway Plan.

(7) Seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(8) Assist others in developing educational, informational, and interpretive programs and facilities and other such activities that may promote the implementation of the Canalway Plan.

(9) Hold hearings, sit, and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

(10) Use the United States mails in the same manner as other departments or agencies of the United States.

(11) Request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request.

(12) Establish such advisory groups as the Commission deems necessary.

(i) ACQUISITION OF PROPERTY.—Except as provided for leasing administrative facilities under subsection (h)(1), the Commission may not acquire any real property or interest in real property.

(j) TERMINATION.—The Commission shall terminate on the day occurring 10 years after the date of the enactment of this Act.

SEC. 5. DUTIES OF THE COMMISSION.

(a) PREPARATION OF CANALWAY PLAN.—Not later than 3 years after the Commission receives Federal funding under section 10(a), the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 6, the Canalway Plan shall incorporate and integrate existing Federal, State, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purposes of this Act. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) IMPLEMENTATION OF CANALWAY PLAN.—After the Commission receives Federal funding under section 10(a), and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake actions to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) PRIORITY ACTIONS.—Priority actions which may be carried out by the Commission under subsection (b) include the following:

(1) Assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal.

(2) Assisting the National Park Service, the State, local governments, or nonprofit organizations in designing, establishing, and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor.

(3) Assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor.

(4) Assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor.

(5) Encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this Act.

(6) Ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) ANNUAL REPORTS AND AUDITS.—For any year in which Federal funds have been received under this Act, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses, any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 6. CANALWAY PLAN.

(a) CANALWAY PLAN REQUIREMENTS.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate those plans, to the extent feasible, to ensure consistency with local, regional, and State planning efforts;

(2) provide a strategy for and conduct a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature, and folkways associated with the canals; and

(C) educational and interpretive programs related to the Erie Canalway developed in

cooperation with State and local governments, educational institutions, and non-profit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) include programs designed to adequately protect, interpret, and promote the Corridor's significant historical, cultural, recreational, educational, scenic, and natural resources;

(7) include an inventory of canal-related natural, cultural, and historic sites and resources located in the area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Park Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(11) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) **APPROVAL OF THE CANALWAY PLAN.**—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) **CRITERIA.**—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and, consistent with such protection, provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate State officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure effective implementation of State and local aspects of the Canalway Plan.

(d) **DISAPPROVAL OF CANALWAY PLAN.**—If the Secretary or the Governor does not approve the Canalway Plan, the Secretary or the Governor shall advise the Commission in writing within 90 days the reasons therefor and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove the revised Canalway Plan.

(e) **AMENDMENTS TO CANALWAY PLAN.**—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this Act may not be expended to implement changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 7. DUTIES OF THE SECRETARY.

(a) **IN GENERAL.**—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan with a focus on

the comprehensive interpretive plan as required under section 6(a)(4).

(b) **TECHNICAL ASSISTANCE.**—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to, and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) **EARLY ACTIONS.**—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical, planning, and financial assistance for early actions that are important to the purposes of this Act and that protect and preserve resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway.

(d) **CANALWAY PLAN IMPLEMENTATION.**—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified as the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) **DETAIL.**—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

(f) **REPORT.**—Not later than 2 years after the approval of the Canalway Plan, the Secretary shall submit to Congress a report recommending whether the educational and interpretive sites identified by the Commission meet the criteria for designation as a unit of the National Park System as required by Public Law 105-391 (112 Stat. 3501; 16 U.S.C. 1a-5 note).

SEC. 8. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities, may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 9. SAVINGS PROVISIONS.

(a) **AUTHORITY OF GOVERNMENTS.**—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) **ZONING OR LAND USE.**—Nothing in this Act shall be construed to grant powers of zoning or land use to the Commission.

(c) **LOCAL AUTHORITY AND PRIVATE PROPERTY.**—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;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal-related development plans, including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) **FISH AND WILDLIFE.**—The designation of the Corridor shall not diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—

(1) **CORRIDOR.**—

(A) **IN GENERAL.**—There is authorized to be appropriated for the Corridor not more than \$1,000,000 for any fiscal year, to remain available until expended. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this Act.

(B) **MATCHING REQUIREMENT.**—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(2) **COMMISSION.**—In addition to the sums authorized under paragraph (1) and subsection (b), there is authorized to be appropriated to the Commission not more than \$250,000 annually to carry out the duties of the Commission.

(b) **OTHER FUNDING.**—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary such sums as are necessary for the Secretary to undertake interim actions the Secretary is authorized to undertake and that are necessary for the Secretary to implement the responsibilities of the Department of the Interior outlined in the Canalway Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5375, introduced by the gentleman from New York (Mr. WALSH), establishes the Erie Canalway National Heritage Corridor in the State of New York. The Erie Canal, first established 175 years ago, created critical transportation of commercial routes and led to the development and settling of New York.

Mr. Speaker, H.R. 5375 would also create the Erie Canalway Corridor Commission as the management entity for the canalway, the membership of which would be comprised of Federal, State and local agencies and governments. The commission is responsible for developing and implementing a management plan which will provide for an inventory and evaluation of the historic properties within the corridor and also provide educational and interpretive programs for the public to enjoy the canalway's resources.

Establishment of the corridor will not affect any other governmental authority nor grant powers of zoning or land use to the Commission. Furthermore, ownership, management, and maintenance of the New York State Canal System will not be altered by establishing the corridor.

Mr. Speaker, this is a good piece of legislation; and I urge my colleagues to support H.R. 5375.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5375 would designate the 524 mile Erie Canalway National Heritage Corridor in New York. We oppose this bill for substantive and procedural reasons.

Mr. Speaker, H.R. 5375 was introduced less than 3 weeks ago. It has had no hearings or markups in either the House or the Senate. Yesterday, the Department of the Interior sent up a letter expressing their serious concerns with H.R. 5375 as currently written, and I will include the letter in the RECORD.

Three serious problems were pointed out, Mr. Speaker: first, the bill calls for a commission with members appointed by the governor that would have full Federal commission status in terms of funding, roles, and responsibilities. This is not how we designate management entities for heritage areas. Further, it is a violation of the appointments clause of the Constitution which requires Federal officials to be appointed by a Federal officer.

Second, the bill has the National Park Service involved in designing, establishing, and operating visitor centers, museums, and interpretive exhibits. This is not an appropriate role for the agency. We have not provided such authority for any other heritage area. The National Park Service has neither the funds nor the manpower when the needs of the national parks are so great.

Third, the bill contains open-ended funding authority for the Secretary, which opens the door for a future significant infusion of Federal funds. The bill's sponsor was warned of these problems, even before the bill was introduced, but chose to go forward without correcting these serious matters.

Mr. Speaker, for this reason, we oppose this bill and urge a "no" vote.

UNITED STATES DEPARTMENT OF THE
INTERIOR, OFFICE OF THE SEC-
RETARY,

Washington, DC, October 23, 2000.

Hon. JAMES V. HANSEN,
Chairman, Subcommittee on National Parks and
Public Lands, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter is in reference to H.R. 5375, the "Erie Canalway National Heritage Corridor Act", introduced by Representative James Walsh on October 3, 2000. It has come to our attention that the Committee on Resources will bring this bill to the House floor today. The Department of the Interior has some serious concerns with the bill as introduced and revised. There have not been any congressional hearings on this bill at which the Department would have had the opportunity to testify and offer amendments. If the bill were amended to address our concerns, the Department would be able to support this legislation.

Under a 1995 Congressional directive, the National Park Service undertook a special resource study on the 524-mile long Erie Canalway in New York State. The study found that the Erie Canalway was nationally significant and deserved Federal recognition. In the December 1999 transmittal letter to this Committee accompanying the special

resource study, the National Park Service recommended that the management entity be a commission appointed by the Secretary of the Interior based upon state and local recommendations. If requested by the commission, the National Park Service could offer planning and technical assistance.

The Department has serious concerns with H.R. 5375, as written, in three different areas. First, the bill calls for a commission with members appointed by the Governor that would still retain full Federal commission status in terms of funding, roles, and responsibilities. For example, in Section 4, the commission would have access to administrative services from the General Services Administration and the United States mails in the same manner as a Federal commission. This apparently would be in violation of the Appointments Clause of the Constitution, which requires Federal officials to be appointed by a Federal officer. The Department also is concerned with the precedent this hybrid model would set for future commissions.

Second, the National Park Service does not have funds in its budget to construct visitor centers, museums or interpretive exhibits in heritage areas. Section 5(c)(2) could be interpreted to direct the National Park Service to construct and staff these centers, which is not an appropriate role for the agency in a non-park service unit. Section 7 states that prior to a Canalway Plan being approved, the Secretary may provide financial assistance to undertake educational and interpretive programs. The Department believes that National Park Service role should be limited to providing planning and technical assistance in the development of the Canalway Plan. The Plan would determine any additional role for the National Park Service in the heritage corridor and would be subject to the approval of the Secretary.

Third, the open-ended funding authority in Section 10(b) that does not contain a ceiling on total funds authorized for this heritage area could be used to fund unlimited early action items from Section 7(c) including educational and interpretive centers and the provision of park rangers to provide services. Such decisions are premature pending completion of the Canalway Plan. Funding authorized by this section should be limited to technical and planning assistance only.

Attached is a list of proposed amendments to H.R. 5375. If these amendments were adopted, the Department could support passage of the bill.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Congress.

Sincerely,

STEPHEN C. SAUNDERS,
Acting Assistant Secretary for Fish
and Wildlife and Parks.

Enclosure.

SUGGESTED AMENDMENTS TO H.R. 5375, ERIE CANALWAY NATIONAL HERITAGE CORRIDOR ACT

H.R. 5375 calls for a hybrid commission with members appointed by the Governor, but with full federal commission authorities, funding and roles. The 1998 Special Resource Study and accompanying letter on the Erie Canalway recommended that the management entity be a federal commission with the members appointed by the Secretary of the Interior based upon state and local recommendations. This is the National Park Service preferred alternative.

If H.R. 5375 is rewritten to include a commission with members appointed by the Secretary (i.e. a federal commission) then we offer the following amendments to the bill. Note: We are referencing the revised bill from October 13, 2000.

On p. 5, line 15, strike "entitled "Boundaries of Canalway Communities" numbered ERCA and dated . ." and insert "entitled "ERIE CANALWAY NATIONAL HERITAGE AREA" numbered ERIE/80,000 and dated OCTOBER 2000."

On p. 5, line 22, strike "Nothing in this Act shall be construed to alter the ownership, operations, or management of the New York State Canal System," and insert "The New York Canal System shall continue to be owned, operated, and managed by the State of New York."

On p. 6, line 17, strike "7 members, each of whom represents 1" and insert "7 members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience".

On p. 7, line 17, strike "Governor no later than 6 months after the date of enactment of this Act" and insert "Secretary".

On p. 13, line 24, strike "the National Park Service."

On p. 17, line 16, strike "and the Governor".

On p. 18, line 16, strike "or the Governor".

On p. 18, line 17, strike "or the Governor".

On p. 18, line 21, strike "and the Governor".

On p. 18, line 25, strike "and the Governor".

On p. 19, line 3, strike "and the Governor approve" and insert "approves".

On p. 19, line 8, strike "Plan with a focus on the comprehensive interpretive plan as required under section 6(a)(4)." and insert "Plan."

On p. 19, line 19, strike "technical, planning, and financial" and insert "technical and planning".

On p. 19, line 21, strike "resources and to undertake an educational and interpretive program of the story and history of the Erie Canalway." and insert "resources."

On p. 20, line 14, strike subsection (f).

On p. 22, line 19, strike "year, to remain available until expended." and insert "year."

On p. 23, line 5, strike subsection 10(a)(2) and renumber the rest of the subsection accordingly.

On p. 23, line 13, strike "for the Secretary" until the end of the subsection and insert "for planning and technical assistance."

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from New York (Mr. WALSH), the author of this legislation.

Mr. WALSH. Mr. Speaker, I thank the distinguished chairman for yielding time and for his strong support and encouragement and advice throughout this process. I would also like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the full committee, for his help in bringing this bill forward, and also the gentleman from California (Mr. GEORGE MILLER), the ranking member, who has been very helpful.

Mr. Speaker, I rise today in strong support of H.R. 5375, a bill that will establish the Erie Canalway as a National Heritage Corridor. This bill is the culmination of years of hard work and dedication by the National Park Service and the State of New York, and dedication by Senators MOYNIHAN and SCHUMER, as well as virtually the entire upstate New York delegation has

indicated their strong support for this measure. In fact, Senator MOYNIHAN has indicated he envisions this bill as part of his congressional legacy. This will probably be the last bill that Senator MOYNIHAN will have his name associated with as it passes the Senate, and he would like very much to have this bill signed into law before he leaves office. Furthermore, there is broad-based local enthusiasm and interest throughout the State for a Federal designation of the Erie Canalway system and local participation in the development of an Erie Canalway plan is a critical component of this legislation.

In 1995, at the request of Senator MOYNIHAN and myself, Congress directed the National Park Service to determine whether the Erie Canalway system merited Federal designation as a National Heritage Corridor. In 1998, the National Park Service study concluded that the Erie Canalway is an outstanding resource of great significance to the Nation and that it clearly merited Federal designation as a National Heritage Corridor. In response to this overwhelming support for some type of Federal designation for the Erie Canalway system, I worked closely with the National Park Service and the State of New York throughout the 106th Congress to craft legislation that balances the State's need to preserve its outstanding ongoing management activities of the canal with the creation of a Federal management framework that assists the State and local communities throughout the canalway in their development of integrated cultural, historical, recreational, economic, and community development activities.

Mr. Speaker, H.R. 5375 was introduced on October 3 this year after several months of detailed negotiations with the National Park Service and the State of New York. The bill would designate the canal as a heritage corridor and would establish a 27-member commission that would be empowered to develop a comprehensive preservation and management canalway plan for the corridor within 3 years.

Critical to the success of this commission is the fact that there will be broad-based local participation and involvement in the commission as each Member of Congress who represents the corridor will be able to appoint a local representative to the commission. This commission will develop a plan that enhances the historical, cultural, educational, natural, scenic, and recreational potential of the corridor in a way that complements the ongoing significant State role in preserving and protecting the Erie Canalway system.

Mr. Speaker, the State of New York built this canal. It is what helped us to populate the western reaches of our State, indeed, the western reaches of the then-settled United States. The State still maintains the canal at an expense of approximately \$60 million per year; and they have done a very,

very excellent job of keeping it in operating order. Therefore, the governor needs to have the appointment authority, and I think most reasonable people would agree.

What I envision coming out of this bill is a joint Federal-State cooperative effort where the National Park Service would provide necessary technical and financial assistance for education, interpretation, historic preservation, planning and recreational trail development and open space conservation, while the State of New York would maintain its ongoing operational management and maintenance of the Erie Canalway system. The system was the preeminent transportation corridor for the latter part of the 18th through the 20th century. Its role in American history is well documented. Therefore, I believe Federal designation is essential to preserve and maintain and interpret the canalway system in ways to reflect its importance and significance.

Mr. Speaker, this bill has broad-based bipartisan support, and I urge my colleagues to adopt this measure so that we can continue to protect the canalway system for future generations.

Mrs. CHRISTENSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I thank the gentlewoman for yielding me this time. It is an honor to be here today in support of this bill that I have had the pleasure of cosponsoring, along with the gentleman from New York (Mr. WALSH) and a number of others that we have worked closely with over the years. The Erie Canal has a great history. The Erie Canal has a great future. That great future, though, depends in large part on what we do to recognize the past, to herald it, and to build a corridor along the canal so that residents of New York State and residents of the world can come and not only see and observe, but enjoy the Erie Canal.

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A good many individuals of both the Democratic and Republican Party have attempted to enhance the Erie Canal Corridor over the years. Certainly Governor Pataki, but most especially, too, I think the Secretary of Housing and Urban Development, Andrew Cuomo. He took what was known as the Small Cities Development Block Grant program and tried to use it within the State of New York to embellish the corridor by coming up with the canal corridor initiative.

The Canal Corridor initiative was basically an idea to use these small cities' monies to leverage additional assistance from both the public and private sector, to leverage that assistance by utilizing for the first time on a Federal level the Small Cities program and the section 108 program, which will enable communities to draw down against future monies to work in con-

cert for the first time in a very cooperative fashion with the Department of Agriculture and their rural development administration. That has worked extremely successfully.

In my congressional district, for example, whether one is in North Tonawanda or Lockport or Medina or Albion or Holley or Spencerport, one can see the results of the canal corridor initiative, and we have just started.

Passage of today's bill establishing an Erie Canalway National Heritage Corridor will be a great step forward in further embellishing that corridor and helping to serve as both an economic and recreational catalyst for that region of New York State.

So I urge everyone to support this very fine bill.

Mrs. CHRISTENSEN. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5375, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. CHRISTENSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1752, S. 1474, S. Con. Res. 114, S. 698, S. 1438, H.R. 5478, S. 2749 and H.R. 5375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 426

Mr. ROHRABACHER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Concurrent Resolution 426.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OLDER AMERICANS ACT AMENDMENTS OF 2000

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill