

103^D CONGRESS
2^D SESSION

H. R. 4147

To establish the Hudson and Mohawk Rivers National Heritage Corridor
in the State of New York, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mr. McNULTY introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To establish the Hudson and Mohawk Rivers National Heritage
Corridor in the State of New York, 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 “Hudson and Mohawk
5 Rivers National Heritage Corridor Act of 1994”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

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

8 (1) The area of the confluence of the Hudson
9 and Mohawk Rivers in the State of New York expe-
10 rienced rapid growth and transformation from an

1 agrarian to an industrial area in the early 19th cen-
2 tury because of its geographic location, water power,
3 and human creative genius. It has been called the
4 “Birthplace of America’s Industrial Revolution”.

5 (2) The cities and villages in the 19th century
6 that make up this area were commercial and indus-
7 trial communities that linked New England’s mar-
8 kets with other northeastern cities and Europe,
9 spawned the collar industry, thriving iron and textile
10 industries, and a diversified economy and became
11 home to the beginning of the first women’s labor
12 union, to reform movements and a stop on the un-
13 derground railroad, and to the first female second-
14 ary school, the Troy Female Seminary, to teach
15 young women the same curriculum as their brothers.

16 (3) This area exists today as a reservoir of his-
17 toric and cultural lands, waterways, and structures
18 revealing the wide diversity of individual and social
19 endeavor that created a productive urban industrial
20 society.

21 (4) Many of the existing historic sites and dis-
22 tricts in this area are listed on the National Register
23 of Historic Places, are linked along a Heritage Trail
24 which has been designated a National Recreation
25 Trail, and possess significant undeveloped rec-

1 reational opportunities for people throughout the
2 United States.

3 (5) The seven cities, towns, and villages making
4 up this Hudson-Mohawk area have entered into a
5 cooperative arrangement to manage their valuable
6 cultural resources and the area has been designated
7 by the State of New York to be one of fourteen
8 urban cultural parks to represent industrial develop-
9 ment and labor themes in the State's development.

10 (6) This area, known as the Hudson-Mohawk
11 Urban Cultural Park or RiverSpark, has been a pio-
12 neer in the development of "partnership parks"
13 where intergovernmental and public and private
14 partnerships bring about the conservation of our
15 heritage and the attainment of goals for preserva-
16 tion, education, recreation, and economic develop-
17 ment.

18 (7) The Hudson Mohawk area played a nation-
19 ally significant role in the industrial development of
20 the Nation, the development of the labor union
21 movement, and the evolution of working class cul-
22 ture, and this role is reflected in existing sites and
23 districts.

24 (8) Despite existing efforts by local, regional,
25 and State agencies, businesses, cultural and edu-

1 cation institutions, and private citizens, some impor-
2 tant cultural and natural resources of the Hudson
3 Mohawk area may be lost or fail to meet their rec-
4 reational and educational potential without a clear
5 and directed Federal role in the partnership.

6 (9) Many of the local, regional, and State agen-
7 cies, businesses, and cultural and educational insti-
8 tutions have expressed the overwhelming desire to
9 combine forces with Federal partners to work coop-
10 eratively to preserve, manage, and beneficially use
11 the cultural and natural resources region wide and
12 better plan for the future.

13 (b) PURPOSE.—It is the purpose of this Act to pro-
14 vide a management framework to assist the State of New
15 York, its units of local and regional government and citi-
16 zens in the development and implementation of integrated
17 cultural, historical, educational, recreational, and related
18 economic land resource management programs in order to
19 retain, enhance, and interpret significant features of the
20 lands, waters, structures, and cultural setting of Hudson
21 and Mohawk Rivers communities in the State of New
22 York.

1 **SEC. 3. HUDSON AND MOHAWK RIVERS NATIONAL HERIT-**
2 **AGE CORRIDOR; PURPOSE.**

3 (a) ESTABLISHMENT.—There is hereby established in
4 the State of New York the Hudson and Mohawk Rivers
5 National Heritage Corridor.

6 (b) BOUNDARIES.—The boundaries of the Corridor
7 shall include the cities of Troy, Cohoes, and Watervliet,
8 the towns of Waterford and Colonie and the villages of
9 Waterford and Green Island, as generally depicted on the
10 map entitled “————”, dated “————” and num-
11 bered “————”.

12 (c) ADMINISTRATION.—The Corridor shall be admin-
13 istered in accordance with the provisions of this Act.

14 **SEC. 4. HUDSON AND MOHAWK RIVERS NATIONAL HERIT-**
15 **AGE CORRIDOR COMMISSION.**

16 (a) ESTABLISHMENT.—There is hereby established
17 the Hudson and Mohawk Rivers National Heritage Cor-
18 ridor Commission (referred to in this Act as the “Commis-
19 sion”). The Commission shall assist appropriate Federal,
20 State, and local authorities and regional planning organi-
21 zations in the development and implementation of an inte-
22 grated resource management plan to carry out the pur-
23 poses of this Act.

24 (b) MEMBERSHIP.—(1) The Commission shall be
25 comprised of 19 members, as follows:

1 (A) The Director of the National Park Service
2 ex officio (or his delegate).

3 (B) Four individuals nominated by the Gov-
4 ernor and appointed by the Secretary from among
5 the following—

6 (i) persons representing the New York Of-
7 fice of Parks, Recreation and Historic Preserva-
8 tion, or a person representing the interest of
9 the Commissioner;

10 (ii) persons representing the New York De-
11 partment of Environmental Conservation or a
12 person representing the interest of the Commis-
13 sioner;

14 (iii) persons representing the New York
15 Department of Economic Development or a per-
16 son representing the interests of the Commis-
17 sioner; and

18 (iv) persons representing the Hudson-Mo-
19 hawk Urban Cultural Park Commission or a
20 person representing the interest of the Chair-
21 man.

22 (C) Six individuals representing the interest of
23 local government or regional organizations from New
24 York appointed by the Secretary after receiving rec-

1 ommendations from the Governor, of whom, at least
2 3 shall be local elected officials from the region; and

3 (D) Nine individuals from the general public,
4 who are citizens of the State of New York, appointed
5 by the Secretary, after receiving recommendations
6 from the Governor, representing conservation, busi-
7 ness, tourism, education, and recreational interests.

8 (2) A vacancy in the Commission shall be filled in
9 the manner in which the original appointments were made.

10 (3) Original appointments made under paragraph (1)
11 shall be made not later than six months after the date
12 of enactment of this Act.

13 (c) TERMS.—(1) Members of the Commission shall
14 be appointed for terms of three years and may be
15 reappointed.

16 (2) Any member appointed to fill a vacancy occurring
17 before the expiration of the term for which his predecessor
18 was appointed shall be appointed only for the remainder
19 of such term. Any member of the Commission appointed
20 for a definite term may serve after the expiration of his
21 term until his successor has taken office.

22 (d) COMPENSATION.—Members of the Commission
23 shall receive no pay on account of their service on the
24 Commission but while away from their homes or regular
25 places of business in the performance of services for the

1 Commission, members of the Commission shall be allowed
2 travel expenses, including per diem in lieu of subsistence,
3 in the same manner as persons employed intermittently
4 in the Government service are allowed expenses under sec-
5 tion 5703 of title 5, United States Code.

6 (e) CHAIRPERSON.—The Chairperson of the Commis-
7 sion shall be elected by the members of the Commission.

8 (f) QUORUM.—(1) Eight members of the Commission
9 shall constitute a quorum, but a lesser number may hold
10 hearings.

11 (2) The affirmative vote of not less than ten members
12 of the Commission shall be required to approve the budget
13 of the Commission.

14 (g) MEETINGS.—The Commission shall hold its first
15 meeting not later than 90 days after the date on which
16 its members are appointed and shall meet at least quar-
17 terly at the call of the Chairperson or ten of its members.
18 Meetings of the Commission shall be subject to section
19 552(b) of title 5, United States Code (relating to open
20 meetings).

21 (h) PROXY.—Any member of the Commission may
22 vote by means of a signed proxy exercised by another
23 member of the Commission, but any member so voting
24 shall not be considered present for purposes of establish-
25 ing a quorum.

1 **SEC. 5. STAFF OF THE COMMISSION.**

2 (a) IN GENERAL.—(1) The Commission shall have
3 the power to appoint and fix compensation of such staff
4 as may be necessary to carry out its duties.

5 (2) Staff appointed by the Commission—

6 (A) shall be appointed subject to the provisions
7 of title 5, United States Code, governing appoint-
8 ments in the competitive service; and

9 (B) shall be paid in accordance with provisions
10 of chapter 51 and subchapter III of chapter 53 of
11 such title relating to classification and General
12 Schedule pay rates.

13 (b) EXPERTS AND CONSULTANTS.—Subject to such
14 rules as may be adopted by the Commission, the Commis-
15 sion may procure temporary and intermittent services to
16 the same extent as is authorized by section 3109(b) of title
17 5, United States Code, but at rates determined by the
18 Commission to be reasonable.

19 (c) STAFF OF OTHER AGENCIES.—(1) Upon request
20 of the Commission, the head of any Federal agency may
21 detail, on a reimbursable basis, any of the personnel of
22 such agency to the Commission to assist the Commission
23 in carrying out the Commission's duties.

24 (2) The Commission may accept the services of per-
25 sonnel detailed from the State, any political subdivision

1 thereof, and regional planning organizations for those
2 services.

3 **SEC. 6. POWERS OF COMMISSION.**

4 (a) HEARINGS.—(1) The Commission may, for the
5 purposes of carrying out this Act, hold hearings, sit and
6 act at such times and places, take such testimony, and
7 receive such evidence, as the Commission considers appro-
8 priate.

9 (2) The Commission may not issue subpoenas or ex-
10 ercise any subpoena authority.

11 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
12 ber or agent of the Commission, if so authorized by the
13 Commission, may take any action which the Commission
14 is authorized to take by this Act.

15 (c) ADMINISTRATIVE SUPPORT SERVICES.—The Ad-
16 ministrator of the General Services Administration shall
17 provide to the Commission, on a reimbursable basis, such
18 administrative support services as the Commission may
19 request.

20 (d) 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 other agencies of the
23 United States.

24 (e) USE OF FUNDS TO OBTAIN MONEY.—The Com-
25 mission may use its funds to obtain money from any

1 source under any program or law requiring the recipient
2 of such money to make a contribution in order to receive
3 such money.

4 (f) GIFTS.—(1) The Commission may, for purposes
5 of carrying out its duties, seek, accept, and dispose of
6 gifts, bequests, or donations of money, personal property,
7 or services, received from any source.

8 (2) For purposes of section 170(c) of the Internal
9 Revenue Code of 1986, any gift to the Commission shall
10 be deemed as a gift to the United States.

11 (g) ACQUISITION OF REAL PROPERTY.—(1) Except
12 as provided in paragraph (2) and except with respect to
13 any leasing of facilities under subsection (c), the Commis-
14 sion may not acquire any real property or interest in real
15 property.

16 (2) Subject to paragraph (3), the Commission may
17 acquire real property or interests in real property in the
18 Corridor—

19 (A) by gift or devise; or

20 (B) by purchase from a willing seller with
21 money that was given, appropriated, or bequeathed
22 to the Commission on the condition that such money
23 would be used to purchase real property, or interest
24 in real property, in the Corridor.

1 (3) Any real property or interest in real property ac-
2 quired by the Commission under paragraph (2) shall be
3 conveyed by the Commission to an appropriate public or
4 private land management agency, as determined by the
5 Commission. Any such conveyance shall be made—

6 (A) as soon as practicable after such acquisi-
7 tion;

8 (B) without consideration; and

9 (C) on the condition that the real property or
10 interest in real property so conveyed is used for
11 public purposes.

12 (h) COOPERATIVE AGREEMENTS.—For purposes of
13 carrying out the Plan, the Commission may enter into co-
14 operative agreements with the State of New York and the
15 Hudson-Mohawk Urban Cultural Park Commission, with
16 any political subdivision, or with any person or organiza-
17 tion. Any such cooperative agreement shall, at a minimum,
18 establish procedures for providing notice to the Commis-
19 sion of any action proposed by any entity which has en-
20 tered into such an agreement with the Commission which
21 may affect implementation of the Plan referred to in
22 section 7.

23 **SEC. 7. DUTIES OF THE COMMISSION.**

24 (a) PREPARATION OF PLAN.—Within two years after
25 the Commission conducts its first meeting, it shall submit

1 to the Secretary, the Governor, and the Hudson-Mohawk
2 Urban Cultural Park Commission, for review and approval
3 in accordance with section 10 of Cultural Heritage and
4 Corridor Management Plan. The Plan shall be based on
5 existing Federal, State, regional, and local plans, but shall
6 coordinate those plans and present a unified historic pres-
7 ervation, interpretation, recreational, and economic plan
8 for the Corridor. The Plan shall—

9 (1) provide an inventory which includes any
10 property in the Corridor which should be preserved,
11 restored, managed, developed, maintained, or ac-
12 quired because of its national historic or cultural or
13 recreational significance;

14 (2) recommend advisory standards and criteria
15 applicable to the construction, preservation, restora-
16 tion, alteration, and use of all properties within the
17 Corridor;

18 (3) develop a historic interpretation plan to in-
19 terpret the history of the Corridor;

20 (4) develop an inventory which includes existing
21 and potential recreation sites which are developed or
22 which could be developed within the Corridor;

23 (5) recommend policies for resource manage-
24 ment which consider and detail application of appro-
25 priate land and water management techniques, in-

1 cluding (but not limited to) the development of
2 intergovernmental cooperative agreements to protect
3 the Corridor's historical, cultural, recreational, sce-
4 nic, natural and related, sustainable economic re-
5 sources in a manner consistent with supporting ap-
6 propriate and compatible economic revitalization ef-
7 forts;

8 (6) detail ways in which local, State, and Fed-
9 eral programs may best be coordinated to promote
10 the purposes of this Act; and

11 (7) contain a program for implementation of
12 the Plan by the State, its political subdivisions, and
13 the Hudson-Mohawk Urban Cultural Park Commis-
14 sion.

15 (b) IMPLEMENTATION OF PLAN.—After review and
16 approval of the Plan by the Secretary, the Governor and
17 the Hudson-Mohawk Urban Cultural Park Commission, as
18 provided in subsection (a), the Commission shall imple-
19 ment the Plan by taking appropriate steps to preserve and
20 interpret the historic resources, develop the recreational
21 resources of the Corridor and its surrounding area, and
22 support public and private efforts in economic revitaliza-
23 tion, consistent with the goals of the Plan. These steps
24 may include, but need not be limited to—

1 (1) assisting the State, the Hudson-Mohawk
2 Urban Cultural Park Commission, local govern-
3 mental entities, regional planning organizations, and
4 nonprofit organizations in preserving the Corridor
5 and ensuring appropriate use of lands and struc-
6 tures throughout the Corridor;

7 (2) assisting the State, the Hudson-Mohawk
8 Urban Cultural Park Commission, local govern-
9 mental entities, regional planning organizations, and
10 nonprofit organizations in establishing and main-
11 taining visitor centers and other interpretive exhibits
12 in the Corridor;

13 (3) assisting the State, the Hudson-Mohawk
14 Urban Cultural Park Commission, local govern-
15 mental entities, regional planning organizations, and
16 nonprofit organizations in developing recreational
17 programs and resources in the Corridor;

18 (4) assisting the State, the Hudson-Mohawk
19 Urban Cultural Park Commission, local govern-
20 mental entities, and regional planning organizations
21 in increasing public awareness of and appreciation
22 for the historical and architectural resources and
23 sites in the Corridor;

24 (5) assisting the State, the Hudson-Mohawk
25 Urban Cultural Park Commission, local govern-

1 mental entities, regional planning organizations, and
2 nonprofit organizations in the restoration of any his-
3 toric building in the Corridor;

4 (6) encouraging by appropriate means enhanced
5 economic and industrial development in the Corridor
6 consistent with the goals of the Plan;

7 (7) encouraging local governments to adopt
8 land use policies consistent with the management of
9 the Corridor and the goals of the Plan and to ensure
10 appropriate use of lands and structures throughout
11 the Corridor; and

12 (8) assisting the State, the Hudson-Mohawk
13 Urban Cultural Park Commission, local govern-
14 mental entities, and regional planning organizations
15 to ensure that clear, consistent signs identifying ac-
16 cess points and sites of interest are put in place
17 throughout the Corridor.

18 **SEC. 8. ACQUISITION OF PROPERTY.**

19 The Secretary is authorized to acquire any property
20 within the Corridor, or any interest therein, as he deter-
21 mines is necessary, if such property—

22 (1) is designated for acquisition in the Plan
23 prepared by the Commission pursuant to section 7
24 or as a key site in the National Historic Landmark

1 Theme Study on American Labor History, prepared
2 under Public Law 102–101 (105 Stat. 493);

3 (2) is listed in the National Register of Historic
4 Places; or

5 (3) is determined by the Secretary to be of na-
6 tional significance;

7 except that the Secretary may not acquire the fee simple
8 title to any property without the consent of the owner.
9 Any property or interest therein owned by the State of
10 New York or any political subdivision thereof may be ac-
11 quired only by donation.

12 **SEC. 9. TERMINATION OF COMMISSION.**

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

16 (b) EXTENSION.—The Commission may be extended
17 for a period of not more than five years beginning on the
18 day of termination referred to in subsection (a) if, not
19 later than 180 days before such day—

20 (1) the Commission determines such extension
21 is necessary in order to carry out the purposes of
22 this Act;

23 (2) the Commission submits such proposed ex-
24 tension to the Committee on Natural Resources of

1 the House of Representatives and the Committee on
2 Energy and National Resources of the Senate; and
3 (3) the Secretary, in consultation with the Gov-
4 ernor of New York, approves such extension.

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

6 (a) APPROVAL OF PLAN.—The Secretary, in con-
7 sultation with the Governor and the Hudson-Mohawk
8 Urban Cultural Park Commission, shall approve or dis-
9 approve a Plan submitted under this Act by the Commis-
10 sion not later than 60 days after receiving such Plan. The
11 Secretary, in consultation with the Governor and the Hud-
12 son-Mohawk Urban Cultural Park Commission, shall ap-
13 prove a Plan submitted if—

14 (1) the Secretary finds the Plan, if imple-
15 mented, would adequately protect significant histori-
16 cal and cultural resources of the Corridor while pro-
17 viding adequate and appropriate educational and
18 outdoor recreational opportunities and economic ac-
19 tivities within the Corridor;

20 (2) the Secretary determines that the Commis-
21 sion held public hearings and provided adequate op-
22 portunity for public and governmental involvement
23 in the preparation of the Plan; and

24 (3) the Secretary receives adequate assurances
25 from appropriate State officials that the rec-

1 ommended implementation program identified in the
2 Plan will be initiated within a reasonable time after
3 the date of approval of the Plan and that such im-
4 plementation program will ensure effective imple-
5 mentation of the State, regional and local aspects of
6 the Plan.

7 (b) DISAPPROVAL OF PLAN.—If the Secretary dis-
8 approves a Plan submitted to him by the Commission, he
9 shall advise the Commission in writing of the reasons
10 therefor and shall make recommendations for revisions in
11 the Plan. The Commission shall within 90 days of receipt
12 of such notice of disapproval revise and resubmit the Plan
13 to the Secretary who shall approve or disapprove a pro-
14 posed revision within 60 days after the date it is submitted
15 to him.

16 (c) ASSISTANCE.—The Secretary shall, upon request
17 of the Commission, assist the Commission in the prepara-
18 tion and implementation of the Plan.

19 **SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.**

20 Any Federal entity conducting or supporting activi-
21 ties directly affecting the Corridor shall—

22 (1) consult with the Secretary and the Commis-
23 sion with respect to such activities;

24 (2) cooperate with the Secretary and the Com-
25 mission with respect to such activities and, to the

1 maximum extent practicable, coordinate such activi-
2 ties; and

3 (3) to the maximum extent practicable, conduct
4 or support such activities in a manner which the
5 Commission determines will not have an adverse ef-
6 fect on the Corridor.

7 **SEC. 12. DEFINITIONS.**

8 For purposes of this Act:

9 (1) The term “Commission” means the Hud-
10 son-Mohawk Rivers National Heritage Corridor
11 Commission established under section 4.

12 (2) The term “State” means the State of New
13 York.

14 (3) The term “Corridor” means the Hudson-
15 Mohawk Rivers National Heritage Corridor estab-
16 lished under section 3.

17 (4) The term “Plan” means the Cultural Herit-
18 age and Corridor Management Plan to be prepared
19 by the Commission pursuant to section 7.

20 (5) The term “Governor” means the Governor
21 of the State of New York.

22 (6) The term “Secretary” means the Secretary
23 of the Interior.

1 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) COMMISSION.—There is authorized to be appro-
3 priated \$300,000 for fiscal year 1995 and \$300,000 annu-
4 ally to the Commission to carry out its duties under this
5 Act.

6 (b) SECRETARY.—There are authorized to be appro-
7 priated annually to the Secretary such sums as may be
8 necessary to carry out his duties under this Act.

○

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