

Public Law 101-398
101st Congress

An Act

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

Sept. 28, 1990
[H.R. 2174]

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

Mississippi
River Corridor
Study
Commission Act
of 1989.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi River Corridor Study Commission Act of 1989".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Mississippi River flows through 10 States from its headwaters in the State of Minnesota to the Gulf of Mexico and comprises a ribbon of commerce, history, archeology, wildlife habitat, urban and rural communities, and open space containing historical, recreational, natural, scenic, cultural, economic, and scientific resources of major significance to the Nation.

(2) The national interest would be served by—

(A) preserving, protecting, and enhancing such resources for the benefit of the people of the United States; and

(B) improving the coordination between all levels of government in such corridor.

(3) The preservation, protection, and enhancement of such resources has not been fully realized despite efforts by the States through which the Mississippi River flows, political subdivisions of such States, and volunteer associations and private businesses in such States.

(4) Most existing Federal agency programs lack sufficient coordination with State and local planning and regulatory authorities to provide for resource management and economic development in a manner that is consistent with the protection and public use of the Corridor's resources.

(5) The national Government should assist in coordinating preservation and interpretation activities of public and private entities with respect to the significant resources associated with the Mississippi River.

(6) The establishment of a commission as provided for by this Act will—

(A) focus attention on the unique and nationally significant resources of this region; and

(B) provide a means and a stimulus for coordinating the preservation, protection, enhancement, enjoyment, and utilization of the resources of this region.

(7) The establishment of such commission would provide a national entity to gather, assess, and disseminate information on the recreational, cultural, historic, natural, scenic, and economic opportunities in this region.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Commission" means the Mississippi River Corridor Study Commission.

(2) The terms "Mississippi River Corridor" and "Corridor" mean the area included by the Commission in a proposed Mississippi River National Heritage Corridor.

(3) The term "Mississippi River State" means any of the States of Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, or Wisconsin.

SEC. 4. ESTABLISHMENT OF COMMISSION.

There is established a Commission to be known as the Mississippi River Corridor Study Commission.

SEC. 5. DUTIES OF THE COMMISSION.

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

(1) the feasibility of creating a Mississippi River National Heritage Corridor for the Mississippi River Corridor; and

(2) the preservation, protection, enhancement, enjoyment, and utilization of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor consistent with the purposes of this Act.

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

(1) assess the preservation, protection, enhancement, enjoyment, and utilization potential of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(2) collect information dealing with ongoing activities, management plans, and opportunities regarding historic, economic, natural, recreational, scenic, cultural, and scientific resources in the Corridor;

(3) make such information available to Federal agencies, States and political subdivisions thereof, tribal governments, educational institutions, volunteer associations, and private businesses to assist such entities in undertaking activities to preserve, protect, enhance, or utilize the historic, economic, natural, recreational, scenic, cultural, or scientific resources of the Corridor;

(4)(A) consult with the Mississippi River Parkway Commission, the Upper Mississippi River Basin Association, the Great River Road Association, the Lower Mississippi Delta Development Commission, and the Mississippi River Coordinating Commission; and

(B) cooperate with such commissions and associations in the performance of their duties;

(5) provide a forum for the consideration of resource issues relating to the Corridor;

(6) seek and encourage the participation of affected State and local governments, interested citizens, public officials, groups, agencies, educational institutions, and others in the preservation, protection, enhancement, enjoyment, and utilization of the Corridor's resources;

(7) recommend methods and means for educating the general population about the national importance and value of the

Mississippi River as a natural resource and national treasure; and

(8) make the Commission accessible to such groups, agencies, and citizens by holding at least one well publicized public hearing in every State within the Corridor.

(c) **REPORT.**—The Commission shall prepare a report—

(1) specifying the results of the study conducted under subsection (a); and

(2) containing—

(A) a description of the Mississippi River Corridor and the proposed boundaries of a Mississippi River National Heritage Corridor (if so recommended) showing the primary corridor and such secondary zones as may be appropriate;

(B) an inventory and assessment of the historic, economic, natural, recreational, scenic, cultural, and scientific resources of the Corridor;

(C) specific preservation and interpretation goals and a priority timetable for their achievement;

(D) proposed alternative management strategies whereby the funds, data, personnel, and authorities of public and private entities may be combined and coordinated in furtherance of the purposes of this Act;

(E) proposed changes in Federal, State, and local laws and regulations that are needed to accomplish the purposes of this Act, in whole or in part;

(F) proposals to improve guidance and assistance provided to Mississippi River States and political subdivisions thereof and other entities regarding their compliance with applicable provisions of the Clean Water Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), and related laws; and

(G) such recommendations as the Commission may deem appropriate with respect to subparagraphs (A) through (F) and with respect to public access to and interpretation of the natural and cultural resources of the river and related outdoor recreation opportunities.

SEC. 6. ORGANIZATION OF THE COMMISSION.

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

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

(2) The Secretary of Transportation (or designee).

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

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

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

(6) One member from each Mississippi River State appointed by the Governor of such State from among the members of the Mississippi River Parkway Commission from such State.

(b) **FIRST APPOINTMENTS.**—Members of the Commission required by subsection (a) to be appointed shall be first appointed not later than 45 days after the effective date of this Act.

(c) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment is made.

(d) **TERMS.**—Members of the Commission shall be appointed for the life of the Commission.

(e) **PAY.**—Members of the Commission shall serve without pay.

(f) **REIMBURSEMENT OF EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code.

(g) **QUORUM.**—(1) Nine members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) A member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

(h) **CHAIRPERSON.**—As the first item of business at the first meeting of the Commission, the members of the Commission shall elect a chairperson of the Commission from among the members appointed under subsection (a)(6).

(i) **MEETINGS.**—(1) The Commission shall meet at the call of the chairperson or a majority of the members.

(2) Not later than 30 days after the members of the Commission are first appointed, the Commission shall hold its first meeting.

(3) The Director of the National Park Service shall select the date of the first meeting and shall serve as chairperson until the election of the chairperson under subsection (h).

SEC. 7. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS; PERSONNEL OF FEDERAL AGENCIES.

(a) **STAFF.**—The Commission may appoint and fix the pay of such staff as the Commission considers appropriate subject to—

(1) the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(c) **PERSONNEL OF STATES AND POLITICAL SUBDIVISIONS.**—The Commission may—

(1) accept the services of personnel detailed from a Mississippi River State or a political subdivision thereof; and

(2) reimburse such State or such subdivision for such services.

(d) **PERSONNEL OF FEDERAL AGENCIES.**—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 8. POWERS OF THE COMMISSION.

(a) **HEARINGS AND SESSIONS.**—For the purpose of carrying out this Act, the Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 9. SUBMISSION OF REPORTS.

(a) **INTERIM REPORT.**—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State a report describing the progress of the Commission in carrying out the duties of the Commission under section 5.

(b) **FINAL REPORT.**—Not later than 3 years after the date of the first meeting of the Commission, the Commission shall submit to the President, the Speaker of the House of Representatives, the President of the Senate, and the Governor of each Mississippi River State the report required by section 5(c).

SEC. 10. TERMINATION OF COMMISSION.

Notwithstanding section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), the Commission shall cease to exist 90 days after submitting the report required by section 5(c) and submitted under section 9(b).

SEC. 11. CONSENT TO NEGOTIATE PROPOSED COMPACTS.

The Congress hereby consents to the negotiation by any State referred to in section 3 with one or more of any other such State of proposed interstate agreements or compacts among such States in furtherance of the purposes of this Act or the study referred to in section 5 or any material component thereof.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commission to carry out this Act \$500,000 for each fiscal year in which the Commission is in existence.

Approved September 28, 1990.

LEGISLATIVE HISTORY—H.R. 2174:

HOUSE REPORTS: No. 101-525 (Comm. on Interior and Insular Affairs).

SENATE REPORTS: No. 101-423 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 136 (1990):

June 12, considered and passed House.

Sept. 11, considered and passed Senate.